GOVERNMENT OF MYSORE.
LEGISLATIVE DEPARTMENT.

THE

REGULATIONS

IN FORCE IN MYSORE

From the Rendition (1881) to 1901, inclusive.

BEING

THE SECOND VOLUME

OF

THE MYSORE CODE;

WITH

A CHRONOLOGICAL TABLE AND AN INDEX.

BANGALORE
MYSORE GOVERNMENT CENTRAL PRESS
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PREFACE.

This, the Second, Volume of the Mysore Code, comprises the unrepealed Regulations passed subsequent to the date of the restoration of Mysore to His Highness the Maharaja (the 25th March 1881), and is founded on the official copies of Regulations preserved in the Mysore Legislative Department.

2. Besides Regulations which have been entirely repealed, or which, having served their purpose, have now become obsolete, the following laws, which will probably be largely revised, or altogether superseded by revised enactments, at no distant date, have been excluded, namely:—the Codes of Civil and Criminal Procedure, and the Municipal Regulations of 1871. But the Regulations extending, amending, or otherwise affecting the said laws have been printed in the proper places.

3. A chronological table of all the Regulations passed since the Rendition is prefixed, showing, as regards each Regulation, how it has been affected by subsequent legislation. The entries relating to Regulations which have been wholly repealed, or have otherwise ceased to be in operation, are printed in italics.

4. Repeals and amendments have been given effect to in their proper places, references thereto being given in foot-notes, or, in the case of repeals of entire sections, opposite to their marginal notes.

5. A short index is appended to the volume.

K. S. CHANDRASEKHARA AIYAR, B.A., B.L.,
Asst. Secy. to the Govt. of Mysore,
Legislative Department.

BANGALORE;
6th March 1902.

Addenda and Corrigenda.

P. 331. Omit the first schedule, adding the foot-note: "Repealed by Regulation II of 1900, Schedule II."

P. 361. Omit section 35, adding the foot-note: "Repealed by Regulation II of 1900, Schedule II."

P. 691. For clause (j) of section 29, substitute the following:—

"(j) for regulating the cultivation, checking the spontaneous growth, and providing, where necessary, for the extirpation, from private holdings or Government lands, of the hemp plant *(cannabis sativa* or *Indica)*;"

and add the foot-note: "Substituted for the original clause (j) of section 29, by Regulation IV of 1902, s. 1."

P. 697. For clause (c) of section 55, substitute the following:—

"(c) cultivates, or fails to take the measures prescribed for checking the spontaneous growth or for the extirpation of, the hemp plant *(cannabis sativa* or *Indica)*;"

and add the foot-note: "Substituted for the original clause (c) of section 55, by Regulation IV of 1902, s. 2."

P. 700. At the end of the first paragraph of section 64, after the word "satisfactorily," add the following:—

"or, as the case may be, in respect of any hemp plant found growing upon land in his possession or under his charge, and for the existence of which thereon he is unable to account satisfactorily;"

and add the foot-note: "These words were added to the first paragraph of section 64, by Regulation IV of 1902, s. 3."

P. 18—In the first line of the second paragraph of section 8, *for* "practitioners" *read* "practitioner."

P. 33—Change the numbering of the last section *from* "8" *to* "9."

P. 34—In the sixth line of the foot-note, *for* "1895" *read* "1885."

P. 102—In the marginal note to section 87, *for* "abetment" *read* "abatement."

P. 158—In the heading of the Regulation, *for* "No. VI" *read* "No. IV."

P. 174—In the fourth line of section 485, *for* "or" *read* "are."

P. 304—In the first line of section 9 (1), *for* "office" *read* "officer."

P. 478—In the second line of clause (18) of section 2, *for* "intentionly" *read* "intentionally."

P. 568—In the first line of Article 22, first column, *for* "section 2 (10)" *read* "section 2 (9)."

P. 632—In the last line of the foot-note, *for* "VII" *read* "VIII."

P. 645—In the first line of clause (b) of section 2 (5), *for* "whether" *read* "when."

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THE MYSORE CODE

REGULATIONS

PASSED

SUBSEQUENT TO THE RENDITION.

REGULATION No. I of 1883.

The Mysore Civil Courts Regulation, 1883.

WHEREAS it is expedient to consolidate and amend the law relating to the constitution, powers and jurisdiction of the Civil Courts in the territories of Mysore subordinate to the Court of the Chief Judge of Mysore; His Highness the Maharaja is pleased to enact as follows :— Preamble

1. This Regulation may be called " The Mysore Civil Courts Regulation, 1883." Short title.

It extends to the whole of the territories of Mysore; Local extent.

And it shall come into force on the 1st day of July 1883. Commencement

2. From and after that day, the Notification of the Government of India, No. 235 I. J., Foreign Department, dated Simla, the 27th of August 1879, shall be repealed. Rules repealed.

3. Besides the Court of the Chief Judge of Mysore, which shall hereafter be styled "The Chief Court of Mysore," there shall be three classes of Civil Courts, namely— Class and designation of Courts.

1stly. The District Court.

2ndly. The Court of the Subordinate Judge.

3rdly. The Court of the Munsiff.

4. (*a*) The number of District Courts and of the Courts of Subordinate Judges and Munsiffs shall be fixed, and may, from time to time, be altered by the Government of Mysore. Number of Courts.

(*b*) The place at which every such Civil Court shall be held shall be fixed, and may, from time to time, be altered by the Locality of Courts.

Government of Mysore.

Appointment of Judges.

(*c*) The Judge of every such Civil Court shall be appointed by the Government of Mysore, provided that the appointment of a Munsiff shall be made only upon nomination by the Chief Court of Mysore.

[a] Provided further that in emergent cases, *i.e.*, in the event of the death of a Munsiff, or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the Chief Court may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office.[a]

Seal of Court.

(*d*) Every such Civil Court shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government of Mysore. The seal now used by every such Civil Court shall be deemed to have been prescribed under this section.

Local jurisdiction of Courts.

5. The Government of Mysore may fix, and may from time to time alter, the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff. The present local limits of the jurisdiction of every such Court shall be deemed to have been fixed under this Regulation.

Jurisdiction of District Court.

6. The jurisdiction of the District Court shall extend, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

Principal Civil Court in District.

7. The District Court shall be deemed to be the principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

Control of Subordinate Courts in District.

8. The District Court shall, subject to the general control of the Chief Court of Mysore, have control over all Civil Courts within the limits of its local jurisdiction.

Jurisdiction of Subordinate Judge.

9. The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 5,000.

Power to enhance Subordinate Judge's jurisdiction up to Rs. 10,000, or without limit.

[b] Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000, [b] [c] or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject matter [c].

[a-a] This proviso was added to clause (c) of section 4 by Regulation VI of 1894, s. 1.

[b-b] This proviso was added to section 9 by Regulation II of 1898., s1.

[c-c] These words were added to the proviso to section 9 by Regulation III of 1901, s. 1.

Sections 10-14.

10. The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 1,000. Jurisdiction of Munsiff.

[a] Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enchance the pecuniary limit of such jurisdiction up to Rs. 2,500. [a] Power to enhance Munsiff's jurisdiction up to Rs. 2,500.

11. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Regulation, be fixed in manner provided by [b] the Court Fees Regulation, 1900, Section 4, Clause 5. [b] Valuation of suits.

12. Appeals from the decrees and orders passed in original suits and proceedings by a District Court shall, when such appeals are allowed by law, lie to the Chief Court of Mysore. Appeal from District Court.

13. Appeals from the decrees and orders passed by a Subordinate Judge in original suits and proceedings shall, when such appeals are allowed by law, lie to the Chief Court of Mysore, except when the amount or value of the subject-matter of the original suit or proceeding does not exceed Rs. 3,000, in which case the appeal shall lie to the District Court having local jurisdiction. Appeal from Subordinate Judge.

14. Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction. Appeal from Munsiff.

Provided that such District Court may refer any such appeal for disposal to any Subordinate Judge within the limits of its local jurisdiction.

[c] And provided further that, notwithstanding anything contained in Section 14 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, the Government may, from time to time, by notification in the official Gazette, direct that appeals from the decrees and orders of a Munsiff or Munsiffs within an area to be specified in such notification shall lie direct to any such Subordinate Judge. [c]

[a-a] This proviso was added to section 10 by Regulation II of 1898, s. 2.

[b-b] Substituted for "The Court Fees Act 1870, section 7, class 5, *vide* General Clauses Regulation 1899, s. 8.

[c-c] This further proviso was added to section 14 by Regulation III of 1901, s. 2.

Second Appeals.

15. A second appeal from a decree or order passed by a District Court or by the Court of a Subordinate Judge in an appeal suit or proceeding shall, when such appeal is allowed by law, lie to the Chief Court of Mysore.

Small Cause powers.

16. The Government of Mysore may, by notification in the *Mysore Gazette*, invest, within such local limits as it shall from time to time appoint, any [a] District Judge or [a] Subordinate Judge or other officer specially selected by it, with the jurisdiction of a Court of Small Causes, for the trial of suits cognizable by such Court, up to any amount not exceeding Rs. 500;

and any Munsiff, with the same jurisdiction, up to any amount not exceeding Rs. 50;

and it may, by like notification, withdraw or alter the jurisdiction so vested.

Law applicable to questions of succession, &c.

17. Where in any suit or proceeding it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

(*a*) the Muhammadan law in cases where the parties are Muhammadans, and the Hindu Law in cases where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

Refund of half fee in uncontested cases

[b] **17.** A. Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorizing him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal:

Provided that the said application is made within six months of the date when the judgment or final order was passed.

In all such cases, the party ordered to pay costs, shall be charged only with half the amount of the institution fee.

[a-a] These words in section 16 were inserted by Regulation V of 1892, s. 1

[b] Section 17 A was inserted by Regulation II of 1898, s. 3.

Judge not to try suits in which he is interested,

18. No Judge shall try any suit to, or in, which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

or appeals from his decrees passed in another capacity.

No Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such Judge, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section 25.

Suspension or removal of Judges.

19. Any District Judge, Subordinate Judge or Munsiff may, for any misconduct, be suspended or removed by the Government of Mysore.

Suspension or removal of Munsiffs.

20. The Chief Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct, or appoint a commission for enquiring thereinto.

On the completion of such enquiry held by itself, or on receiving the report of the commission appointed to conduct such enquiry, the Chief Court may, if it thinks fit, and subject to the confirmation of Government, remove the Munsiff from office, or suspend him, or reduce him to a lower grade.

Appointment, &c., of ministerial officers.

21. The ministerial officers of every Court shall be appointed, and may be suspended or removed, by the Judge of that Court. The orders of appointment, suspension or removal passed by Subordinate Judges and Munsiffs shall be subject to the approval of the District Court, and the orders of appointment to, and suspension and removal from, offices the monthly salary of which exceeds Rs. 50, when passed by a District Court, shall be subject to confirmation by the Chief Court of Mysore. Every appointment to a ministerial office shall be made subject to such rules as the Government of Mysore, from time to time, prescribes in this behalf.

Vacation.

22. The Chief Court of Mysore may permit the Civil Courts under its control to adjourn, from time to time, for periods not exceeding in the aggregate six weeks in each year in addition to public holidays authorized by the Government of Mysore.

REGULATION No. I OF 1884.

The Mysore Chief Court Regulation, 1884.

WHEREAS it is expedient to amend the constitution of the Chief Court of Mysore, His Highness the Maharaja of Mysore is pleased to enact as follows:—

Short title.

1. This Regulation may be called "The Mysore Chief Court Regulation, 1884."

Extent and Commencement.

It shall extend to the whole of the territories of Mysore; and

It shall come into force on the twenty-eighth day of May 1884.

Saving of British jurisdiction.

But nothing herein contained shall affect any jurisdiction vested in the British Government.

Repeal.

2. On and from that day, the Rules published with Government of India—Foreign Department—Notifications No. 236 I. J., dated 27th August 1879, and Nos. 281 I. J. and 282 J. G., dated 10th October 1879, shall be repealed.

Interpretation Clause.

3. In this Regulation, unless a contrary intention appears from the context,—

"Chief Court" means the Chief Court of Mysore as constituted under this Regulation; and

"Chief Judge" means the Chief Judge of the said Chief Court appointed under this Regulation;

And reference to the "Chief Court" or to the "High Court" in any Regulation, Act, or other law for the time being in force, shall be deemed to have been made to the Chief Court as constituted under this Regulation.

"Full Bench" means a Bench consisting of all the Judges of the Chief Court.

Constitution of Chief Court.

4. The Chief Court of Mysore shall consist of three or more Judges who shall be appointed by His Highness the Maharaja of Mysore, and shall hold their offices during His Highness' pleasure.

One of the Judges of the Chief Court shall be appointed to be the Chief Judge of that Court by His Highness the Maharaja, provided that the officer holding the appointment of the Chief Judge at the time of this Regulation coming into operation shall become the Chief Judge of the Chief Court of Mysore as constituted under this Regulation without further appointment.

Precedence of Judges.

5. The Chief Judge shall have rank and precedence before the other Judges of the Chief Court, who as between themselves

shall have rank and precedence according to the seniority of their appointments as such Judges.

Seal of Chief Court.

6. The Chief Court shall have and use, as occasion may require, a seal bearing a device and impression of the Royal Arms of His Highness the Maharaja of Mysore with the inscription "The Chief Court of Mysore" in English and Kanarese. The said seal shall ordinarily be kept in the custody of the Chief Judge.

All decrees, orders, summonses and other processes issued by the Chief Court shall be sealed with the said seal and shall be signed by a Judge or the Registrar of the Chief Court.

Appointment of ministerial officers.

7. (1) The Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Government of Mysore, appoint a Registrar and a Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise of the powers and discharge of the duties conferred and imposed on the said Court by this Regulation.

(2) The appointment of the Registrar and Deputy Registrar shall be subject to the sanction of the Government of Mysore.

(3) The Registrar and other ministerial officers of the Chief Court holding appointments on the date of this Regulation coming into force shall be deemed to have been appointed hereunder.

Duties of ministerial officers.

8. The officers appointed under the last preceding section shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may, from time to time, direct.

Suspension and dismissal of ministerial officers.

9. Any such officer may be suspended or dismissed from his office by order of the Chief Court, provided that the Registrar and Deputy Registrar shall not be dismissed without the previous sanction of the Government of Mysore.

Chief Court to be highest Court, having control over all other Courts.

10. The Chief Court shall be deemed, for the purpose of all enactments for the time being in force, to be the highest Court of civil and criminal appeal, reference and revision in the territories of Mysore, and all the Courts, civil and criminal, in the said territories shall be subject to its superintendence and control.

Law in cases of succession, &c.

11. Where, in any suit or proceeding, it is necessary for the Chief Court to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution,

(*a*) the Muhammadan Law where the parties are Muhammadans, and the Hindu Law where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Chief Court shall act according to justice, equity and good conscience.

Ordinary original civil and criminal jurisdiction of Chief Court.

[a] **12.** (1) The Government of Mysore may, whenever it deems fit, confer upon the Chief Court, by notification in the official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the said Government may, from time to time, declare and appoint in that behalf.

(2) The said Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the Chief Court under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

(3) The local limits within which ordinary original civil jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure.

(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a Sessions Division within the meaning of the Code of Criminal Procedure.

(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under "The Mysore Civil Courts Regulation, 1883."

(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure.

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[a] Section 12 was substituted for the original section by Regulation II of 1890.

Sections 13-15.

Appeals, &c., from decisions of Chief Court in exercise of original jurisdiction.

[a] **13.** Appeals against, references regarding, and applications for revision of, judgments, decrees, orders, or sentences passed by a Judge of the Chief Court, in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12 or vested in it under any law for the time being in force, shall, when allowed by law, be heard either by a Bench consisting of two other Judges of the Chief Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the official Gazette, from time to time, direct. When there arises a difference of opinion between the two Judges composing a Bench hearing any appeal, reference or application under this section, the decision shall, notwithstanding anything contained in section 15 of this Regulation, or section 575 of the Code of Civil Procedure, or section 429 of the Code of Criminal Procedure, follow the original judgment, decree, order or sentence.

Chief Court's jurisdiction to hear and decide appeals from judgments, &c., of subordinate Courts.

[b] **14.** (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the said Government may, from time to time, declare and appoint, confer upon the Chief Court, by notification published in the official Gazette, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, from judgments, orders, decrees, or sentences passed by any subordinate Court, civil or criminal, within the local limits aforesaid.

(2) During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the Chief Court shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily, vest, except as regards cases of appeals which may be transferred by the Chief Court for hearing and disposal by such District Court or Court of Session.

(3) The Government of Mysore may, whenever it deems fit, by notification published in the official Gazette, withdraw any appellate jurisdiction conferred upon the Chief Court under this section.

Appeals other than those under section 13 to be heard by a Bench of Judges.

[c] **15.** (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the Chief Court under any law for the time being in force, as well as all cases referred to the

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[a] Section 13 was substituted for the original section by Regulation II of 1890.

[b] Section 14 was substituted for the original section by Regulation II of 1890.

[c] Section 15 was substituted for the original section by Regulation II of 1890.

18. The Government of Mysore may, whenever it deems fit to do so, confer upon a Chief Judge all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order. Powers which may be conferred upon Chief Judge.

The Chief Judge empowered under this section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the Chief Court under this Regulation.

The powers referred to in this section are —

1stly. The appointment of ministerial officers under paragraph 1 of section 7.

2ndly. The direction as to the powers and duties of ministerial officers under section 8.

3rdly. The distribution of the work of the Chief Court between himself and the other Judges of the said Court.

19. Except as herein or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide, in such manner as it thinks fit, for the exercise, by one or more of its Judges, of any powers conferred on it by this Regulation or by any other enactment for the time being in force. Rules for exercise by one or more Judges of powers vested in Chief Court.

Provided that no decree, order, sentence or decision of any Court shall be reversed by any Judge of the Chief Court sitting alone.

20. The Chief Court may, from time to time,— Power of Chief Court to make rules.

(*a*) make rules consistent with this Regulation conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which the powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Regulation to determine in what cases Pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for such books, entries, statistics, and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority;

(*d*) make rules consistent with this Regulation providing for the inspection of such Courts and supervision of the working thereof;

(*e*) make such rules consistent with this Regulation, institute such enquiries and submit such recommendations to the Government of Mysore, as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

Rules and forms under sections 19 and 20 to be submitted for sanction to Government.

21. All rules made and forms prescribed under sections 19 and 20 shall be submitted for sanction to the Government of Mysore, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

Chief Court to keep registers, &c.

22. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Government of Mysore such copies of, or extracts from, the said registers, books and accounts, as well as such statements of the work done in the Chief Court and in the Courts subordinate thereto, as may, from time to time, be required by the Government of Mysore.

Pending cases, appeals and applications.

23. All cases, appeals and applications, civil or criminal, which shall be pending before the Court of the District and Sessions Judge of the Nandidrug Division on the 28th day of May 1884, except such civil cases and applications as are within the jurisdiction of a Court of a Subordinate Judge, shall be heard and decided by the Chief Court under this Regulation.

Chief Court for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court.

(2) Any Bench of Judges of the Chief Court may refer to a Full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility of any evidence in any proceeding pending before it, on which there is no further appeal under the law for the time being in force.

(3) The decision of the majority of Judges comprising any Full Bench of the Chief Court or other Bench of the said Court consisting of not less than three Judges shall be the decision of the Chief Court. When a Bench of the Chief Court consists of only two Judges and there is a difference of opinion between such Judges on any material question pending before it, such question shall be referred to a Full Bench and the decision of the majority of Judges on such Full Bench shall be the decision of the Chief Court.

Power of Chief Court to transfer cases pending before it.

[a] **16.** The Chief Court may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Regulation.

Place of sittings of Chief Court.

17. The Chief Court shall hold its sittings at such place as the Government of Mysore may, from time to time, appoint in that behalf.

Whenever it appears to the Government of Mysore convenient that the jurisdiction and powers vested in the Chief Court by this Regulation, or any other law for the time being in force, should be exercised in any place other than the place appointed under paragraph 1 of this section, or at several of such other places by way of circuit, the Government of Mysore may by order authorize and direct any one or more of the Judges of such Court to hold sittings in such place or places as by such order may be directed, and the Judge or Judges acting under such order shall have and exercise the same jurisdiction and authority as would be had and exercised by a Judge or Judges of the Chief Court, as the case may be, in its ordinary place of sitting.

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[a] Section 16 was substituted for the original section by Regulation II of 1890.

18. The Government of Mysore may, whenever it deems fit to do so, confer upon a Chief Judge all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order. Powers which may be conferred upon Chief Judge.

The Chief Judge empowered under this section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the Chief Court under this Regulation.

The powers referred to in this section are —

1stly. The appointment of ministerial officers under paragraph 1 of section 7.

2ndly. The direction as to the powers and duties of ministerial officers under section 8.

3rdly. The distribution of the work of the Chief Court between himself and the other Judges of the said Court.

19. Except as herein or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide, in such manner as it thinks fit, for the exercise, by one or more of its Judges, of any powers conferred on it by this Regulation or by any other enactment for the time being in force. Rules for exercise by one or more Judges of powers vested in Chief Court.

Provided that no decree, order, sentence or decision of any Court shall be reversed by any Judge of the Chief Court sitting alone.

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20. The Chief Court may, from time to time,— Power of Chief Court to make rules.

(*a*) make rules consistent with this Regulation conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which the powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Regulation to determine in what cases Pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for such books, entries, statistics, and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority;

(*d*) make rules consistent with this Regulation providing for the inspection of such Courts and supervision of the working thereof;

(*e*) make such rules consistent with this Regulation, institute such enquiries and submit such recommendations to the Government of Mysore, as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

Rules and forms under sections 19 and 20 to be submitted for sanction to Government.

21. All rules made and forms prescribed under sections 19 and 20 shall be submitted for sanction to the Government of Mysore, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

Chief Court to keep registers, &c.

22. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Government of Mysore such copies of, or extracts from, the said registers, books and accounts, as well as such statements of the work done in the Chief Court and in the Courts subordinate thereto, as may, from time to time, be required by the Government of Mysore.

Pending cases, appeals and applications.

23. All cases, appeals and applications, civil or criminal, which shall be pending before the Court of the District and Sessions Judge of the Nandidrug Division on the 28th day of May 1884, except such civil cases and applications as are within the jurisdiction of a Court of a Subordinate Judge, shall be heard and decided by the Chief Court under this Regulation.

REGULATION No. II OF 1884.

(PASSED ON THE 6TH DAY OF JUNE 1884.)

***A Regulation to introduce into Mysore the Code of Civil Procedure, Act XIV of* 1882.**

WHEREAS it is expedient to apply to the territories of Mysore Act XIV of 1882 of the Governor General of India in Council; His Highness the Maharaja of Mysore is pleased to enact that the aforementioned Act XIV of 1882 shall have the force of law in the territories of Mysore, with the modifications and omissions hereunder mentioned, namely—

1. For "British India" read "the territories of Mysore," except in section 229.

2. For "Local Government" read "Government of Mysore."

3. For "a High Court," "the High Court," "the same High Court," "High Courts," or "such High Court," read "the Chief Court."

4. For "Collector," or "Collector of land revenue," read "Deputy Commissioner."

5. In sections 1, 3 and 99 A, for "June 1882," read "July 1884."

6. For paragraph 2 of section 1, substitute the following:—"It extends to the whole of the territories of Mysore."

7. In section 2, for the words "and includes an Advocate, a Vakil and an Attorney of a High Court," substitute "enrolled under the law for the time being in force in the territories of Mysore relating to Legal Practitioners."

And in the same section omit—

"and includes the local limits of the ordinary original civil jurisdiction of a High Court;"

"and not having authority in British India nor established by the Governor General in Council;"

"every covenanted servant of Her Majesty;"

"every commissioned officer in the Military or Naval forces of Her Majesty while serving under Government;" and

"And in any part of British India in which this Code operates, 'Government' includes the Government of India as well as the Local Government."

8. In section 3 for "the twenty-ninth day of July 1879," read "the nineteenth day of November 1879."

9. Omit section 4.

10. In section 5, omit "(other than the Courts of Small Causes in the Towns of Calcutta, Madras and Bombay.)"

11. In section 6, omit "affects the jurisdiction or procedure—

"(*a*) of Military Courts of Request;

"(*b*) of a single officer duly appointed in the Presidency of Bombay to try small suits in Military Bazaars at Cantonments and Stations occupied by the Troops of that Presidency; or

"(*c*) of Village Munsiffs or Village Panchayats under the provisions of the Madras Code;

"(*d*) of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, Moulmain, Akyab or Bassein, or."

12. Omit sections 7 and 8.

13. In section 9 omit "The ninth part: Special Rules relating to the Chartered High Courts."

14. In section 12, omit "or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before Her Majesty in Council."

15. Omit section 24.

16. Omit the second paragraph of section 25.

17. Omit the last paragraph of section 37.

18. Omit the last paragraph of section 39.

19. Omit section 86.

20. Omit section 90.

21. In section 95, omit "with the previous sanction of the Governor General in Council."

22. In section 223, omit paragraph 5.

23. For section 229, substitute the following:—

"A decree of any Court in British India [a] or of any Court established by the Governor General in Council in the territories of any Foreign Prince or State, [a] which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Court in the territories of Mysore.

[a-a] These words in section 23 were inserted by Regulation II of 1887.

24. To the first paragraph of section 273, the following shall be added: —

"The Court may for that purpose direct the execution of the decree so attached."

25. In section 287, omit "as regards his own Court and the Court of Small Causes at Rangoon, the Recorder of Rangoon shall be deemed to be 'a High Court' within the meaning of this paragraph."

26. In section 320, omit "with the sanction of the Governor General in Council."

27. In section 327, omit "with the sanction of the Governor General in Council."

28. In section 339, for the words "proper officer of the Court," substitute "officer in charge of the Civil Jail."

29. In the proviso to section 341 omit the word "third."

30. Omit the last paragraph of section 360.

31. In section 386, omit "or the Court of the Recorder of Rangoon."

32. In section 391, omit "and established by the authority of Her Majesty or of the Governor General in Council, or

"(*b*) Courts situate in any part of the British Empire other than British India, or

"(*c*) Courts of any foreign country for the time being in alliance with Her Majesty."

33. For section 416, substitute the following section:—

"Suits by the Government shall be instituted by the Government of Mysore."

34. For section 418, substitute the following section:—"In suits by the Government of Mysore, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "the Government of Mysore'."

35. Omit sections 419, 420 and 421.

36. In section 424, omit "against the said Secretary of State in Council, or," "and in the case of the Secretary of State in Council, delivered to, or left at the Office of, a Secretary to the Local Government or the Collector of the District, and in the case of a public officer."

37. In section 429, omit "against the said Secretary of State in Council or."

38. Omit Chapter XXVIII.

39. In section 443, for the words "Indian Majority Act 1875, section 3," substitute the following:—

"Rules for the care of the person and property of Minors, published with the Government of India Notification No. 75 J. dated 25th April 1872."

40. In section 463, for the words and figures "Act No. XXXV of 1858," substitute "the Rules relating to Persons of Unsound Mind, published with the late Chief Commissioner's Notification No. 141, dated 31st July 1874."

41. In section 464, omit "by the Court of Wards or" and "local."

42. In section 538, omit the following:—

"(*a*) The High Courts of Judicature at Fort William, Madras and Bombay,

"(*b*) The Court of the Recorder of Rangoon,

"(*c*) The Courts of Small Causes in Calcutta, Madras and Bombay,

"(*d*) The Court of the Judges of Karachi, and."

In the same section for "(*e*) any other Court," substitute "any Court."

43. In section 539, paragraph 1, for "Advocate General acting *ex officio*" substitute "Deputy Commissioner or such other officer as the Government of Mysore may appoint in this behalf," and for "Advocate General" substitute "Deputy Commissioner or other officer appointed, as last aforesaid," and omit the words "the High Court or." Omit also paragraphs 2 and 3.

44. In section 547, for the words "the Secretary of State for India in Council" substitute "the Government of Mysore."

45. To section 584, add the following:—

(*d*) An erroneous finding upon a material question of fact producing an error in the decision on the merits in those cases in which, upon any such question of fact, the finding of the appellate Court differs from that of the Court of the first instance.

46. In section 586, for "five hundred rupees" substitute "fifty rupees."

47. Omit Chapter XLV.

48. Omit Chapter XLVIII.

49. In section 644, omit the words and figures "subject to the power conferred on the High Court by section 639 and by the twenty-fourth and twenty-fifth of Victoria chapter 104, section 15."

50. Omit sections 645A and 646.

51. In section 650 *A*, omit "Provided that the Courts issuing such summonses have been established by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the *Gazette of India*, declared the provisions of this section to apply to such Courts;" and also omit paragraph 2.

52. The Notifications of the Government of India, Foreign Department, No. 47 J, dated 27th May 1878, in so far as it extends to the territories of Mysore Act X of 1877 (The Code of Civil Procedure), and No. 320 I. J., dated 19th November 1879, in so far as it extends to the territories of Mysore sections 1 to 103, Act XII of 1879 (An act to amend the Code of Civil Procedure), are hereby cancelled from the 1st day of July 1884.

REGULATION No. III OF 1884.

(PASSED ON THE 21ST DAY OF JULY 1884).

A Regulation to amend the Law relating to Legal Practitioners practising in the Courts of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Legal Practitioners in Mysore; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Regulation may be cited "The Mysore Legal Practitioners' Regulation, 1884."

Commencement.

And it shall come into force on the 1st day of September 1884.

Local extent.

It shall extend to the whole of the territories of Mysore.

Repeal of Rules

2. On and from the 1st day of September 1884, the Rules published in Chief Commissioner's Notification No. 273, dated 18th February 1879, (relating to Advocates and Pleaders,) and the Rules published in Chief Commissioner's Notification No. 306, dated 12th March 1880, (relating to the agreements of Legal Practitioners with clients, &c.,), shall be repealed.

Notwithstanding anything herein contained, the Advocates and Pleaders of the 1st and 2nd grade, already enrolled under the Advocates and Pleaders' Rules of the 18th February 1879, shall continue to practice under the provisions of the aforementioned Rules up to the 31st December 1884.

Definitions.

3. In this Regulation, unless there be something repugnant to the subject or context—

"Legal Practitioners" means an Advocate or Pleader enrolled under this Regulation:

"Judge" means the presiding Judicial Officer of every Civil and Criminal Court by whatever name he is designated:

"Government" means the Government of His Highness the Maharaja of Mysore:

[a] 'Tout' means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration. [a]

[a-a] These words in section 3 were added by Regulation 1 of 1897, s. 1.

Sections 4-10.

CHAPTER II.

Advocates and Pleaders.

Who may practice before Courts.

4. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for another in any Court in Mysore unless he has been enrolled as an Advocate or Pleader under this Regulation:

Provided that every person accused before any Criminal Court with an offence may, with the permission of the Court, but not otherwise, employ any person to assist him in his defence:

Provided further that any person *ex officio* or otherwise authorized to act for Government in respect of any judicial proceeding may make and do appearances, acts and applications, within the scope of his authority on behalf of Government.

Courts in which Advocates may practise.

5. Advocates duly enrolled under the provisions of this Regulation shall be entitled to appear, plead and act in the Chief Court of Mysore and in all Courts subordinate thereto, civil or criminal.

Pleaders.

6. There shall be two grades of Pleaders, namely, Pleaders of the 1st grade and Pleaders of the 2nd grade.

Courts in which 1st Grade Pleaders may practise.

7. A Pleader of the 1st grade shall be entitled to appear, plead and act in any Civil Court situate within the District, as defined in the Code of Civil Procedure, for which he may be enrolled, and in all Criminal Courts, provided that he shall not be entitled to practise in the Chief Court.

Courts in which 2nd Grade Pleaders may practise.

8. A Pleader of the 2nd grade shall be entitled to appear, plead and act in any Munsiff's Court for which he may be enrolled and in the Courts of all Magistrates.

2nd Grade Pleaders authorized to practise in Subordinate Judge's Court.

9. If, in any place where a subordinate Judge's Court is established, there be not resident three practising Advocates or Pleaders of the 1st grade, the Chief Court may, after six months' notice of its intention so to do published in the official Gazette, authorize by name a sufficient number of Pleaders of the 2nd grade to practise in the Court of such Subordinate Judge.

Chief Court to make Rules in regard to qualifications and for enrolment.

10. The Chief Court may, from time to time, make rules consistent with this Regulation as to the following matters, namely:—

(1) the qualifications for admission as Advocates or as Pleaders of the 1st or 2nd grade under this Regulation;

(2) the certificates which should accompany applications for such admission ; and

(3) the stamp fee payable for certificates of admission to be granted by the Chief Court under section 11, or for the grant of renewed certificates under section 12; of this Regulation.

Rules made under this section, when approved by the Government and published in the official Gazette, shall have the force of law.

Application for enrolment.

11. Every person duly qualified in accordance with the Rules framed under section 10, may apply to the Chief Court of Mysore to be enrolled as an Advocate or Pleader under this Regulation. The application shall be accompanied by the certificates and the stamp fee, if any, required by the said Rules.

The Chief Court may, if it thinks fit, grant the application, and, on the application being granted, shall issue a certificate upon a stamp paper of the proper value, if any, prescribed by the Rules framed under section 10.

The certificate granted under this section to a Pleader of the 1st or 2nd grade shall specify the Courts for which the applicant has been enrolled under section 7 or 8 as the case may be.

Certificate.

12. Every certificate issued to a Pleader under this Regulation shall authorize him to practise up to the end of the calendar year for which it is issued.

At or before the expiration of that period the holder of such certificate, if he desires to continue to practise, shall apply for the renewal of the certificate to the Chief Court through the District Judge within whose local jurisdiction he ordinarily practises. The Chief Court shall thereupon renew the certificate for the current or next calendar year as the case may be: Provided that the Chief Court may decline to grant such application for proved bad character or other reason which, in the opinion of the Chief Court, unfits the applicant to continue as a Legal Practitioner.

A renewed certificate shall be issued upon a stamp paper of the proper value prescribed by Rules under section 10.

On every such renewal, the certificate then in possession of the Pleader shall be given up to, and cancelled and retained by, the Chief Court.

Sections 13-14.

[a] **13 A.** The Chief Court may suspend or dismiss any Legal Practitioner enrolled under the foregoing provisions, who shall be convicted of any criminal offence implying a defect of character which unfits him to be a Legal Practitioner. Suspension and dismissal of Legal Practitioners convicted of criminal offence.

[b] **13 B.** The Chief Court may also, after such inquiry as it thinks fit, suspend or dismiss any Legal Practitioner enrolled as aforesaid — Suspension and dismissal of Legal Practitioners guilty of unprofessional conduct.

(*a*) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions; or

(*b*) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or

(*c*) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Legal Practitioner; or

(*d*) who, directly or indirectly, procures or attempts to procure the employment of himself as such Legal Practitioner through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given; or

(*e*) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 28; or

(*f*) for any other reasonable cause.

14. [c] If a Judge of any Court subordinate to the Chief Court is of opinion that there are grounds for proceeding under the provisions of section 13 B against a Legal Practitioner practising in such Court, such Judge shall cause a formal charge to be drawn up setting forth concisely the said grounds, and shall send a copy of the said charge to him, and also a notice that on a day therein appointed such charge will be taken into consideration. [c] Inquiry into improper conduct of Legal Practitioners.

Such copy and notice shall be served upon the Legal Practitioner at least ten days before the day so appointed. On such day

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[a], [b] Sections 13 A and 13 B were substituted for the original section 13 by Regulation I of 1897, s. 2.

[c-c] These words in section 14 were substituted for the first sentence of the original section by Regulation I of 1897, s. 3.

or on any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the Legal Practitioner, and shall proceed to adjudicate upon the charge.

Report to Chief Court.

15. If the Judge of any Court subordinate to the Chief Court shall find the charge established and consider that the Legal Practitioner should be suspended, or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same together with the proceedings to the Chief Court, and the Chief Court shall proceed to acquit, suspend or dismiss the Legal Practitioner.

Reports of Subordinate Courts to be submitted through District Court and District Magistrate.

16. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the Magistrate of the District, shall be submitted to the Judge of the District Court or to the Magistrate of the District, who shall append to the report any remarks that he may think necessary and an expression of his own opinion of the case, and shall forward the record for the orders of the Chief Court.

Immediate suspension.

17. The Judge or Magistrate may, pending the investigation and orders of the Chief Court, suspend any Pleader in his own Court and in Courts subordinate thereto.

Power of Chief Court to call for records.

18. The Chief Court, in any case in which an Advocate or Pleader shall have been acquitted otherwise than by an order of the Chief Court, may call for the record and pass such order thereon as it may deem fit.

Power of Chief Court to transfer charge.

19. The Chief Court may also direct that any charge preferred against a Legal Practitioner in any Court subordinate to the Chief Court shall be transferred for adjudication to itself or to any other Court of equal or superior grade to that in which the charge is preferred.

Note of suspension.

20. A note of the suspension of any Legal Practitioner shall be made in the roll of Legal Practitioners to be kept in the Chief Court, and notice thereof shall be sent to all Courts subordinate thereto.

Removal of name of dismissed Legal Practitioner.

21. The name of any Legal Practitioner dismissed under the foregoing provisions shall be struck off the roll of Legal Practitioners in the Chief Court, and notice thereof shall be sent to all Courts subordinate thereto.

Sections 22-27.

CHAPTER III.

REMUNERATION OF LEGAL PRACTITIONERS, ETC.

Fees.

22. The Chief Court shall, from time to time, and with the sanction of the Government, make rules fixing and regulating the fees payable by any party in respect of his adversary's Legal Practitioner upon all proceedings in the Chief Court and in the Courts subordinate thereto:

Provided that the Rules now in force in respect of such fees shall be deemed to have been framed under this section.

Remuneration to Legal Practitioners.

23. Legal Practitioners may make their own arrangements with their clients for their remuneration.

Agreement for remuneration to be filed in Court.

24. No agreement entered into by any Legal Practitioner with any person retaining or employing him, respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done or to be done by such Legal Practitioner, shall be proved in a suit brought to enforce such an agreement, unless the same is made in writing signed by such person, and is, within fifteen days from the day on which it is executed, filed in the District Court or in some Court in which some portion of the business in respect of which it has been executed has been or is to be done.

Unfair agreement.

25. Where a suit is brought to enforce any such agreement, if the agreement is not proved to be fair and reasonable, the Court may reduce the amount payable thereunder, or order it to be cancelled, and the costs, fees, charges and disbursements in respect of the business done to be ascertained in the same manner as if no such agreement had been made.

Agreement to exclude other claims.

26. Such an agreement shall exclude any further claim of the Legal Practitioner beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement.

Void agreement.

27. A provision in any such agreement that the Legal Practitioner shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such Legal Practitioner, shall be wholly void.

Section 28.

Power to frame and publish lists of touts.

[a] **28.** (1) The Chief Court, the District and Sessions Judge, and the District Magistrate may each as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout for the purpose of section 13 B, clause (*e*).

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[a] Section 28 was substituted for the original section by Regulation I of 1897, s. 4.

REGULATION No. I OF 1885.

(PASSED ON THE 23RD DAY OF MAY 1885.)

The Yelandur Jahgir Regulation.

WHEREAS, by a Sannad granted by His Highness the Maharaja of Mysore under date the 27th December 1807, the Taluk of Yelandur was granted as Jahgir to the late Dewan Purnaiya and his heirs and successors, in perpetuity, as a reward for the meritorious services rendered by the said Dewan Purnaiya, and in order that his descendants may live in perpetual ease and comfort:

And whereas, with the object of carrying out the purposes of such grant, the Government of Mysore did, at various times, pass orders with the view to regulate the succession to, and define the mode of enjoyment of, the said Jahgir of Yelandur:

And whereas doubts have arisen as to the validity of some of the orders of Government in regard to the said Jahgir, and it is deemed expedient to remove such doubts and to make adequate provision for the maintenance of the dignity of the head of the family of the said Dewan Purnaiya and for the support of the subordinate members thereof: His Highness the Maharaja is pleased to enact as follows:—

1. This Regulation may be called "The Yelandur Jahgir Regulation, 1885."

And it shall come into force upon the passing thereof.

2. (1) The Jahgir of Yelandur, as constituted by the Sannad granted by His Highness Krishnaraja Wodeyar, the Maharaja of Mysore, to the said Dewan Purnaiya, dated the 27th December 1807, and consisting of the villages enumerated in the Schedule A appended to this Regulation, shall be inalienable and impartible; and it shall not be competent for the Jahgirdar of Yelandur for the time being to encumber, charge, or in any manner alienate the said Jahgir or any part thereof by act *inter vivos* or by testamentary disposition.

(2) The family of the said Dewan Purnaiya shall, for the purposes of this Regulation, comprise and include the existing members named and enumerated in the order of their respective seniority under five branches in Schedule B appended to this Regulation, and their lineal descendants whether by blood or adoption according to the rules and usages of the Hindu Law;

also any other legal heirs, male or female, of the said lineal descendants in the ascending, descending or collateral lines.

(3) Subject to the other provisions of this Regulation the said Jahgir of Yelandur and the full proprietary rights therein shall vest in, and be held and enjoyed by, one person only at a time who shall be called "The Jahgirdar of Yelandur" and to whom all other members of the family of the said Dewan Purnaiya shall be subordinate. Purnaiya Narasinga Rao Krishna Murti being the eldest male person for the time being descended from the said Dewan Purnaiya in the senior male line is hereby declared to be the present Jahgirdar of Yelandur.

(4) The succession to the said Jahgir shall, except in so far as is in this Regulation otherwise provided, be regulated by the rules and usages of the Hindu Law of Inheritance and Adoption.

The succession to the said Jahgir shall devolve upon the lineal descendants and other legal heirs of the family of the said Dewan Purnaiya as above defined.

Provided that the lineal descendants and other legal heirs of the persons named and enumerated in the first branch in the aforesaid Schedule B, shall be preferred to, and shall be entitled to succeed before, the lineal descendants and other legal heirs of the persons named and enumerated in the second and every other branch in the Schedule B aforesaid; and on failure of the lineal descendants and other legal heirs of the persons named and enumerated in the first branch, the lineal descendants and other legal heirs of the persons named and enumerated in the second and every other branch shall be entitled to succeed according to the order of the branches in the Schedule B aforesaid, successively one branch after the other, the lineal descendants and other legal heirs of any one branch to be preferred to, and to be entitled to succeed before, the lineal descendants and other legal heirs of the branch next to it, and so on in the order specified in the aforesaid Schedule B.

Provided further that as between the lineal descendants and other legal heirs in any branch aforesaid, the said Jahgir and the full proprietary rights therein shall, notwithstanding any rule or custom of Hindu or other law to the contrary, vest in the person who may be:—

Firstly.—So long as there are male descendants in any male line in the aforesaid branch, the eldest male person to any degree of descent of that line which shall be for the time being senior of all the collateral lines.

Section 3.

Secondly.—On the failure of such male descendants in any male line within that branch, the eldest female legal heir for the time being or the eldest surviving female descendant, or her eldest male descendants, as the case may be, entitled to inherit under Hindu Law and usage, of the last male descendant in the male line in whom the said Jahgir shall have been vested.

Provided further that on failure of such male descendants, female legal heirs, and female descendants, and their descendants, of the first and every other branch successively, specified in the Schedule B aforesaid, the said Jahgir and the full proprietary rights therein shall vest in and be held and enjoyed by the eldest and the most proximate descendant, or legal heir, of the said Dewan Purnaiya who may be then living, male being preferred to female, and by his or her descendants and other legal heirs.

(5) When there is a natural lineal descendant of the said Dewan Purnaiya eligible and available for adoption in accordance with Hindu Law and usage, the adoption of any other person shall not be valid for the purpose of succession to the Jahgir.

3. (1) Out of the revenues of the Jahgir of Yelandur, the sum of Rs. 23,200 shall be distributed by the Jahgirdar for the time being among himself and the other descendants of the said Dewan Purnaiya in the various branches of descent by way of annuities as specified hereunder :—

1st Branch.

		Rs.
1.	P. N. Krishna Murti, eldest son of the late Narasinga Rao	6,000
2.	P. N. Purnaiya, 2nd son of the late Narasinga Rao	10,000
	Total for 1st Branch	16,000

2nd Branch.

1.	Krishna Murti, son adopted by Rukmini Bayi, widow of the late Vithal Murti	1,200

3rd Branch.

1.	Jaya Narasinga Rao, son adopted by Bhagirati Bayi, widow of the late Anantaramappa ...	1,200

4th Branch.

1.	Rama Rao, son adopted by Venkamma, widow of the late Subba Rao	1,200

5th Branch.

1.	Narasamma, daughter of Dattu Rama Rao ...	3,600
		23,200

Sections 4-5.

The remainder of the revenue of the said Jahgir, after payment of annuities above specified, shall be at the absolute disposal of the Jahgirdar of Yelandur for the time being:

Provided that the annuity to Rama Rao, adopted son of Vekamma, shall not become payable till after the death of the said Venkamma, and that the annuity payable to Krishna Murti, adopted son of Rukmini Bayi, shall not become payable till after the death of the said Rukmini Bayi, the said Venkamma and Rukmini Bayi continuing, during their lifetimes, to receive annuities of Rs. 7,000 and Rs. 3,500 respectively.

(2) The annuities payable under the first para of this section shall not be alienable by sale, gift, charge, will or otherwise, but shall be subject to the rules and usages of the Hindu Law of Succession and Partition: Provided that when there is a natural lineal descendant of the said Dewan Purnaiya eligible and available for adoption in accordance with the Hindu Law and usage, the adoption of any other person shall not be valid for the purpose of succession to the whole or part of any annuity referred to in this section.

4. Upon the failure of heirs within any branch of the family specified in Schedule B aforesaid, one-half of the annuity for that branch shall be at the disposal of the Jahgirdar of Yelandur for the time being, and the other half shall be distributed rateably among the remaining branches in the proportion of the amounts of annuities specified for such branches in Schedule B aforesaid, the amount thus distributable to each branch being further distributed among the members of that branch according to their shares under Hindu Law and usage.

5. (1) No Civil Court shall entertain any suit relating to any interest in the Jahgir of Yelandur, or to the whole or part of any annuity payable under this Regulation.

(2) Any person having a claim to the said Jahgir of Yelandur may prefer such claim to the Government of Mysore, which shall enquire into such claim and pass its decision thereon in accordance with this Regulation.

(3) Any person having a claim to the whole or part of an annuity payable under this Regulation may prefer such claim to the Jahgirdar of Yelandur for the time being, who shall enquire into such claim and pass his decision thereon in accordance with this Regulation. From any such decision passed by the Jahgirdar of Yelandur, an appeal shall lie to the Government of Mysore, whose orders upon such appeal shall be final.

Sections 6-8, *Schedule A.*

6. (1) If, in the investigation of any claim referred to in the last preceding section, there arises any question on which the Government of Mysore desires to have the opinion of the Chief Court of Mysore, the Government may cause a statement of the question to be prepared and may refer such question for the opinion of the Chief Court.

(2) The Chief Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

(3) The parties to the case may appear and be heard in the Chief Court in person or by their Advocates or Pleaders.

(4 The Chief Court, when it has heard and considered the case, shall send a copy of its opinion with the reasons therefor under the seal of the Court to the Government, and the case shall be disposed of conformably to such opinion.

(5) The Chief Court, if it considers that any such statement is imperfectly framed, may return it for amendment.

(6) The costs, if any, consequent on such reference, shall be dealt with as the Chief Court in each case recommends.

7. The Jahgir of Yelandur and the revenues thereof and the annuities payable under this Regulation shall not be liable to seizure or attachment by process of any Civil Court.

8. The Government of Mysore may, from time to time, frame such rules as may be necessary for the purpose of appointing the time, place and mode of the payment of the annuities referred to in section 3, and for the purpose of enforcing the payment of such annuities and the orders passed under section 5. Such rules shall not be inconsistent with this Regulation, shall be published in the official Gazette and shall have the force of law.

SCHEDULE A REFERRED TO IN PARA (1), SECTION 2.

Kasba Yelandur and its Dakhale Villages	... 6 Villages.
Ambale	... 6 Villages.
Yergamballi	... 9 Villages.
Yeriyur Kestur	... 5 Villages.
Agara	... 9 Villages.
Maddur	.. 11 Villages.

Schedule B.

SCHEDULE B REFERRED TO IN PARA (2), SECTION 2.

1st Branch.

1. Purnaiya Narasinga Rao Krishna Murti, eldest son of the late Narasinga Rao.
2. Purnaiya Narasinga Rao Purnaiya, 2nd son of the late Narasinga Rao

2nd Branch.

1. Krishna Murti, son adopted by Rukmini Bayi, widow of the late Vithal Murti.

3rd Branch.

1. Jaya Narasinga Rao, son adopted by Bhagirati Bayi, widow of the late Anantaramappa.

4th Branch.

1. Rama Rao, son adopted by Venkamma, widow of the late Subba Rao

5th Branch.

1. Narasamma, daughter of Dattu Rama Rao.

REGULATION No. II OF 1885.

(PASSED ON THE 15TH DAY OF SEPTEMBER 1885.)

A Regulation to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.

WHEREAS it is expedient to apply to the territories of Mysore Act XVI of 1863 of the Governor-General of India in Council, His Highness the Maharaja is pleased to enact that the aforesaid Act XVI of 1863 shall have the force of law in the territories of Mysore, with the modifications and omissions hereunder mentioned, and with effect from the first day of October 1885.

1. *In section* 1, for "calculated at ten per cent," substitute "not exceeding five per cent."

2. For "British India" read "the territories of Mysore," and for "Board of Revenue" and "Local Government" read "the Government of His Highness the Maharaja of Mysore."

3. Omit section 8.

ACT No. XVI OF 1863 AS APPLIED TO MYSORE BY REGULATION II of 1885.

An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.

WHEREAS it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; it is enacted as follows:— Preamble.

1. Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of the territories of Mysore on payment of duty not exceeding five per cent on the value of the Spirits: Provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption. Such spirits may be removed from Distillery on payment of duty, on condition.

2. The Government of His Highness the Maharaja, or other authority specially authorized in that behalf by the Government of His Highness the Maharaja, shall prescribe, from time to time, subject to the approval of the Government of His Highness the Maharaja, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effect- Rules for ascertaining and determining that spirits to be removed have been rendered unfit for human consumption, &c.

ually and permanently rendered unfit for human consumption, as required by section 1 of this Act; for causing such Spirits to be so rendered, if necessary, by its own officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* duty shall be levied.

Penalty for breach of such rules.

3. Every person who shall wilfully contravene any rule prescribed by the Government of His Highness the Maharaja, or other authority as aforesaid, under the last preceding section of this Act, shall be liable on conviction before any officer exercising the powers of a Magistrate to a penalty not exceeding five hundred rupees for every such offence.

Penalty for attempting to render fit for human consumption spirits removed under this Act.

4. Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand rupees; and the possessor of such Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any officer exercising the powers of a Magistrate to a penalty not exceeding five hundred rupees.

Such penalty how to be levied.

5. Any penalty imposed under either of the last two preceding sections may, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the officer by whom such penalty was imposed.

In case of non-payment of penalty, offender may be detained pending return to distress warrant.

6. In case any such penalty shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment of offender in case of failure to recover penalty by dis-

7. If, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the

Section 8.

amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Confiscation in cases of conviction under section 3 or 4.

8. In every case of conviction under section 3 or section 4 of this Act the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit shall be liable to confiscation.

REGULATION No. I OF 1886.

(PASSED ON THE 15TH DAY OF MARCH 1886.)

A Regulation introducing into the territories of Mysore the Code of Criminal Procedure, Act X of 1882, in supersession of Act X of 1872, as amended by Act XI of 1874.

WHEREAS it is expedient to apply to the territories of Mysore Act X of 1882 of the Governor General of India in Council, His Highness the Maharaja is pleased to enact that the aforementioned Act shall have the force of law in the territories of Mysore subject to the omissions, alterations and additions hereunder specified, namely :—

1. All provisions relating to Presidency Towns, to the Courts of Presidency Magistrates, to the High Courts of Judicature established by Royal Charter, to the Chief Court of the Punjab, to the Courts of the Recorder of Rangoon and the Judicial Commissioner of British Burma, and to the appointment, suspension, removal and the powers of the Justices of the Peace, and all provisions expressly relating to specified particular places, Courts, Offices or Local Governments outside the territories of Mysore, shall be omitted.

Nothing herein contained shall be deemed to confer any jurisdiction* in proceedings against European British subjects.

2. All provisions requiring the sanction of the Governor General in Council to an Act of the Local Government, or attaching any function to the Governor General in Council, shall be omitted.

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*As to this, see the following Notification of the Mysore Government No. 20, dated the 7th April 1886 :—

"With reference to Regulation I of 1886, introducing into the territories of Mysore the Code of Criminal Procedure, Act X of 1882, and in accordance with the decision of His Excellency the Viceroy and Governor General of India in Council communicated in letter No. 482-1895, dated 4th March 1886, from the Officiating Resident in Mysore to the Dewan of Mysore, His Highness the Maharaja is pleased to notify that until further orders,

(*a*) the expression "jurisdiction" in section 1 of the Regulation shall be held to mean jurisdiction to enquire into or try a charge, and

(*b*) that Police Officers and Magistrates in Mysore may exercise with respect to European British subjects the same powers as may be exercised with respect to European British subjects by Police officers and by Magistrates who are not Justices of the Peace respectively in places in British India beyond the limits of the Presidency Towns."

Sections 3-17.

3. In sections 28, 29, 106, 206, 207, 213, 216, 217, 218, 226, 227, 337, 347, 348, 424, 463, 465, 469, 478, 479, 487, 499, 516, 517 and 532, all provisions relating to the High Court shall be omitted as if no reference had been made in such sections to such High Court.

4. For the words "British India," read "the territories of Mysore."

5. For the words "any Local Government" or "the Local Government" or "every Local Government" or "the same Local Government," read "the Government of Mysore."

6. For "District Superintendent" and "Assistant District Superintendent," read "Deputy or Assistant Commissioner."

7. For "Collector" read "Deputy Commissioner."

8. For the words "Her Majesty" read "His Highness the Maharaja of Mysore."

9. For the words "Her Majesty's Army" read "His Highness the Maharaja's Military Forces."

10. In sections 1 and 2 for "January 1882" read "July 1886."

11. In section 1, paragraph 2, for the clauses (*a*), (*b*), (*c*), (*d*) and (*e*), substitute "Village Police Officers in the territories of Mysore."

12. In section 3, omit the words "and the expression 'Magistrate of Police' shall be deemed to mean 'Presidency Magistrate.'"

13. For the words "the High Court" or "any High Court" or "a High Court" or "High Court," read "the Chief Court;" and for clause (*i*) of section 4, substitute the following:—

"The Chief Court shall mean the highest Court of criminal appeal or revision within the territories of Mysore."

14. In clause (*u*) of section 4, omit the words "a vakil and an attorney."

15. In section 6, paragraph 1, for "five" read "four".

16. In section 7, for "Every Province" read "The Province."

17. For section 30, the following shall be substituted:—

"The Government of Mysore may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death."

Sections 18-27.

18. In section 45, for the words "Court of Wards" read "District Court."

19. In section 54, omit the sixth clause.

20. In section 132, for the words "Governor General in Council," substitute "Government of Mysore."

21. For the first paragraph of section 164, read "Any Magistrate may record any statement or confession made to him in the course of an investigation under this Chapter, or at any time afterwards before the commencement of the inquiry or trial, provided that such Magistrate has not acted as a Police Officer in the investigation."

22. In section 174, for paragraph 4, substitute the following:—

"Investigations under this section may be made by the Village Patel, who shall then report the result to the nearest Magistrate authorized to hold inquests."

23. In section 186, omit the words "whether within or without British India."

24. For section 188, substitute the following section:—

"188. When any subject of His Highness the Maharaja of Mysore commits an offence at any place beyond the territories of Mysore, he may be dealt with in respect of such offence as if it had been committed at any place within the territories of Mysore at which he may be found.

Provided that he has not been already tried for the same offence at the place where it was committed;

and provided that, if it be an offence for which extradition can be demanded by the British Government, the Government of Mysore shall in the first instance refer to the British Resident in Mysore to ascertain whether the British Government waives its right to demand the surrender of the accused."

25. In section 189, omit the words "the Political Agent or."

26. Omit sections 190 and 194.

27. To section 191 the following shall be added, namely:—

"When a Magistrate takes cognizance of an offence under clause (*c*), the accused or, when there are several persons accused, any one of them, shall be entitled to require that the case shall, instead of being tried by such Magistrate, be either transferred to another Magistrate or committed to the Court of Session."

Sections 28-45.

28. In section 197, omit the words "the Government of India or," and for the words "the Government having power to order his removal" read "such Government."

29. In sections 211, paragragh 2, omit the words commencing with "and where the accused" up to the end of the section.

30. Omit section 214.

31. In section 215 omit the words and figures "or section 214."

32. In section 216, omit the 2nd paragraph.

33. In section 320, for clause (*c*) substitute "Deputy Commissioners."

34. In section 341, omit the words "in the case of a Court other than a High Court."

35. Omit section 266, section 267, section 273, the first paragraph of section 274, the third proviso to section 276, paragraph 3 of section 277, section 296, section 305, section 308, section 311, section 312, section 313, section 314, section 315, section 316, section 317, section 318, section 333, section 334, section 335, section 336, section 362, section 365 and section 539.

36. In section 344, paragraph 3, omit "other than a High Court."

37. In section 408, omit proviso (*b*).

38. Omit section 434.

39. In section 439, omit the words "applies to an entry made under section 273 or."

40. Omit sections 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458 and 459.

41. In section 462, omit the words and figures "section 451 or."

42. In section 463, omit the words "European British subjects" after the word "against."

43. In section 477, omit the words "Subject to the provisions of section 444."

44. In section 480, omit paragraph 2

45. Omit section 491.

Sections 46-49.

[a] **46.** In section 503, for paragraph 2, substitute the following:—

"When the witness resides in British India, the commission may be issued to any Court competent to execute it under section 19 of the Foreign Jurisdiction and Extradition Act XXI of 1879.

"All persons residing in the territories of Mysore, whose attendance may be required by an officer executing a commission for the examination of witnesses issued to him by a Criminal Court in British India, under the second paragraph of section 503 of the Code of Criminal Procedure, Act X of 1882, shall be bound to appear before such officer, and answer truthfully all questions which he may put to them for the purpose of executing such commission, and shall be liable to the same penalties for default in this respect as they would be liable to had their attendance been required by a Criminal Court within the territories of Mysore."

47. Omit section 504.

48. (1) In section 526, omit the words and figures "Except as provided in section 267," and insert the following after clause (*d*):—

"or

"(*e*) that such an order is expedient for the ends of justice."

(2) In the same section, after clause (3) the following shall be inserted, namely:—

"(4) that an accused person be committed for trial to itself or to a Court of Session."

49. After section 526 the following section shall be inserted, namely:—

"Adjournment on application under section 526."

"526 A. If, in any criminal case or appeal, before the commencement of the hearing, the public prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending, his intention to make an application under section 526 in respect of the case, the Court shall exercise the powers of postponement or adjournment given by section 344 in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal."

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[a] Section 46 was substituted for the original section by Regulation I of 1888, section 1.

Sections 50-55.

50. Omit section 527.

51. To section 528 the following shall be added, namely:—

"A Magistrate making an order under this section shall record in writing his reason for making the same."

52. For section 553, substitute the following:—

"With the previous sanction of the Government of Mysore, the Chief Court may, from time to time, make rules for the inspection of the records of subordinate Courts and it may, with like sanction, from time to time—

(*a*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*b*) frame forms of every proceeding in the said Courts for which it thinks that a form should be provided;

(*c*) make rules for regulating its own practice and proceedings, and the practice and proceedings of all Criminal Courts subordinate to it; and

(*d*) make rules for regulating the execution of warrants issued under this Code for the levy of fines.

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the official Gazette."

53. In section 554, omit the words and figures from the commencement to "section 15."

54. The notifications of the Government of India, Foreign Department, No. 143 J., dated 18th July 1872, in so far as it relates to the Code of Criminal Procedure, Act X of 1872, and No. 139 J., dated 24th July 1874, and para 1 of No. 27 I. J., dated 23rd January 1880, are hereby repealed from the first day of July 1886.

[a] **55.** In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years and any sentence of transportation" shall be substituted.

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[a] Section 55 was inserted by Regulation I of 1888, section 2.

Sections 56-61.

Higher powers of certain District Magistrates.

[a] **56.** For section 34 of the same Code, the following shall be substituted, namely :—

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years, or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years and any sentence of transportation shall be subject to confirmation by the Sessions Judge."

[a] **57.** In section 110 of the same Code, for the words "Sub-Divisional Magistrate or Magistrate of the 1st class" the words "or Sub-Divisional Magistrate, or a Magistrate of the 1st class" shall be substituted.

[a] **58.** In section 162 of the same Code, the word "shall" shall be inserted before the words "be used."

[a] **59.** In section 173 of the same Code, the following shall be substituted for the second paragraph, namely :—

"Where a superior officer of Police has been appointed under section 158, the report shall, in any case in which the Government of Mysore by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation."

[a] **60.** For the second paragraph of section 269 of the same Code, the following shall be substituted, namely :—

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

[a] **61.** For section 398 of the same Code, the following shall be substituted, namely :—

Saving as to sections 396 and 397.

"398. (1) Nothing in section 396 or section 397 shall be held

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[a] Sections 56 to 61 were inserted by Regulation I of 1888, section 2.

to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

"(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is, after its execution, to undergo a further substantive sentence, or further substantive sentences of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

[a] **62.** (1) For the third paragraph of section 401 of the same Code, the following shall be substituted, namely:—

"If any condition on which a sentence has been suspended or remitted is, in the opinion of the Government of Mysore, not fulfilled, the Government may cancel the suspension or remission; and thereupon the person in whose favor the sentence has been suspended or remitted may, if at large, be arrested by any Police officer without warrant, and remanded to undergo the unexpired portion of the sentence."

(2) After the third paragraph of the same section, the following shall be inserted, namely:—

"The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favor the sentence is suspended or remitted, or one independent of his will."

[a] **63.** After section 475 of the same Code, the following sections shall be inserted, namely:—

"475. A. The Government of Mysore may direct that any person whom the Government has ordered under this Chapter to be confined in a lunatic asylum, jail or other place of safe custody shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in the territories of Mysore.

Power of Government to order criminal lunatics confined by its order to be removed from one place to another.

"475. B. The Government of Mysore may empower the officer in charge of the Jail in which a person is confined, under the provisions of section 466 or section 471, to discharge all or any

Power of Government to relieve Inspector General of certain functions.

[a] Sections 62 and 63 were inserted by Regulation I of 1888, section 2.

of the functions of the Inspector General of Prisons, under section 472, section 473, or section 474."

[a] **64.** (1) For the first sentence of section 495 of the same Code, the following shall be substituted, namely :—

"Any Magistrate enquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of Police below a rank to be prescribed by the Government of Mysore in this behalf."

(2) After the last sentence of the same section, the following shall be added, namely :—

"An officer of Police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted."

[a] **65.** In section 510 of the same Code, for the word "the" before the words "Chemical Examiner," where those words first occur, the word "any" shall be substituted.

[a] **66.** After section 541 of the same Code, the following shall be inserted, namely :—

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

"541 A. (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

"(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail unless either—

(*a*) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure as applied to Mysore by Regulation II of 1884, or

(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure as applied to Mysore by Regulation II of 1884."

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[a] Sections 64 to 66 were inserted by Regulation I of 1888, section 2.

Sections 67-69.

[a] **67.** After section 558 of the same Code, the following section shall be added, namely :—

"559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property." Officers concerned in sales not to purchase or bid for property.

[a] **68.** In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code, the following shall be inserted, namely :—

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
If offence charged be punishable with imprisonment for seven years.	Do	Do	Do	Do	Imprisonment of either description for seven years, and fine.	Court of Session or Magistrate of the 1st Class.

[a] **69.** In the same Schedule, for section 225 A, and the line of entries against that section, the following shall be substituted, namely :—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
225 A	Omission to apprehend or sufferance of escape, on part of public servant in cases not otherwise provided for :—						
	(*a*) in case of intentional omission or sufferance.	Shall not arrest without warrant.	Do	Bailable.	Do	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the 1st Class.
	(*b*) in case of negligent omission or sufferance.	Do	Summons	Do	Do	Simple imprisonment for two years, or fine, or both.	Magistrate of the 1st or 2nd Class.
225 B	Resistance or obstruction to lawful apprehension or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Do	Do	Imprisonment of either description for six months, or fine, or both.	Ditto.

[a] Sections 67 to 69 were inserted by Regulation I of 1888, section 2.

Sections 70-71.

[a] **70.** In the part of Schedule III of the same Code entitled 'IV. *Ordinary powers of a Sub-Divisional Magistrate*,' the following shall be inserted after the second article, namely:—

"(2A) Power to require security for good behaviour, section 110."

[a] **71.** In the definition of "Officer in charge of Police station" in section 4, clause (*o*), of the same Code, there shall be substituted for the word "therefrom" the words "from the station-house" and for the words "present at the Police station" the words "present at the station-house."

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[a] Sections 70 and 71 were inserted by Regulation I of 1888, section 2.

REGULATION No. I OF 1887.

(PASSED ON THE 5TH DAY OF MARCH 1887.)

A Regulation for the regulation and control of Hackney-carriages in the City of Bangalore.

WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in the City of Bangalore; His Highness the Maharaja is pleased to enact as follows:— Preamble.

1. This Regulation may be called the "Bangalore City Hackney-carriage Regulation, 1887." Short title.

It extends to the City of Bangalore; Local extent.

And it shall come into force at once. Commencement.

2. In this Regulation "Hackney-carriage" means any wheeled vehicle drawn by animals, and used for the conveyance of passengers, which is kept, or offered, or plies, for hire. "Hackney-carriage" defined

3. The Municipal Commissioners of the City of Bangalore may, from time to time, make rules for the regulation and control of hackney-carriages within the limits of that Municipality in the manner in which, under the law for the time being in force, it makes bye-laws for the regulation and control of other matters within those limits. Power to make rules.

Every rule made under this section shall, when confirmed by the Government of Mysore, and published for such time and in such manner as the Government may from time to time prescribe, have the force of law:

Provided that the Government of Mysore may, at any time, rescind any such rule.

4. The rules to be made under section 3 may, among other matters— Matters as to which rules may be made.

(*a*) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf under this Regulation or under the Bangalore Hackney-carriage Regulation;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf under this Regulation or under the Bangalore Hackney-carriage Regulation;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness, and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness, and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriage;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let the carriage to any person requiring the same;

(*i*) appoint places as stands for hackney-carriages, and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and

(*n*) provide for the deposit of property found in such carriages and the payment of a fee by the owner of such property on the delivery thereof to him.

License when subject to revocation or suspension.

5. (1) A license granted under the Rules under section 3 above shall be subject to revocation or suspension upon any event upon which it would be so subject under the law in force in the Civil and Military Station of Bangalore, or the City of Bangalore, as the case may be, as well as upon any event prescribed by the Rules under which the license is granted.

(2) Any person breaking any rule made under this Regulation shall be punished with fine which may extend to fifty rupees. Penalty for breach of rule.

6. The amount of any fees received and the amount of any expenses incurred in giving effect to this Regulation shall be credited and debited respectively to the Municipal Fund of the City of Bangalore. Fees and expenses.

7. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Regulation, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates in the City of Bangalore within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit. Decision of disputes between hirer and owner or driver of carriage.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

8. If, at any time any dispute mentioned in section 7 arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section. Driver to take hirer in carriage to Court of Magistrate.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

9. If any person using a hackney-carriage under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the hackney-carriage compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate, and to be recovered as a fine. Penalty for injuring carriage.

REGULATION No. II OF 1887.

(PASSED ON THE 16TH DAY OF DECEMBER 1887.)

A Regulation to amend Regulation No. II of* 1884 *(introducing the Code of Civil Procedure).

WHEREAS it is expedient to provide for the execution within the territories of Mysore of the decrees of Courts established by the Governor General in Council in the territories of any Foreign Prince or State, it is hereby enacted as follows :—

In section 23 of Regulation II of 1884, after the words "in British India" insert the words "or of any Court established by the Governor General in Council in the territories of any Foreign Prince or State."

REGULATION No. I OF 1888.

(PASSED ON THE 2ND DAY OF AUGUST 1888.)

A Regulation to amend Regulation I of 1886, introducing into the territories of Mysore the Code of Criminal Procedure, Act X of 1882.

WHEREAS it is expedient to amend Regulation I of 1886, introducing into the territories of Mysore the Code of Criminal Procedure, Act X of 1882, His Highness the Maharaja is pleased to enact as follows:—

1. For section 46 of Regulation I of 1886, the following shall be substituted:—

"46. In section 503, for paragraph 2, substitute the following:—

"When the witness resides in British India, the commission may be issued to any Court competent to execute it under section 19 of the Foreign Jurisdiction and Extradition Act, XXI of 1879.

"All persons residing in the territories of Mysore, whose attendance may be required by an officer executing a commission for the examination of witnesses issued to him by a Criminal Court in British India, under the second paragraph of section 503 of the Code of Criminal Procedure, Act X of 1882, shall be bound to appear before such officer, and answer truthfully all questions which he may put to them for the purpose of executing such commission, and shall be liable to the same penalties for default in this respect as they would be liable to had their attendance been required by a Criminal Court within the territories of Mysore."

2. To Regulation I of 1886, the following sections shall be added, namely:—

Amendment of section 31 of the Code of Criminal Procedure.

"55. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words 'any sentence of imprisonment for a term exceeding three years' the words 'any sentence of imprisonment for a term exceeding four years and any sentence of transportation' shall be substituted."

Section 2.

Substitution of new section for section 34.

"56. For section 34 of the same Code, the following shall be substituted, namely:—

Higher powers of certain District Magistrates.

'34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years, or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years and any sentence of transportation shall be subject to confirmation by the Sessions Judge.'"

Amendment of section 110.

"57. In section 110 of the same Code, for the words 'Sub-Divisional Magistrate or Magistrate of the 1st class' the words 'or Sub-Divisional Magistrate, or a Magistrate of the 1st class' shall be substituted."

Amendment to section 162.

"58. In section 162 of the same Code, the word 'shall' shall be inserted before the words 'be used.'"

Amendment of section 173

"59. In section 173 of the same Code, the following shall be substituted for the second paragraph, namely:—

'Where a superior officer of Police has been appointed under section 158, the report shall, in any case in which the Government of Mysore by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.'"

Amendment of section 269.

"60. For the second paragraph of section 269 of the same Code, the following shall be substituted, namely:—

'When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury.'"

Substitution of new section for section 393

"61. For section 393 of the same Code, the following shall be substituted, namely:—

Saving as to sections 396 and 397.

'398. (1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

'(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is, after its execution, to undergo a further substantive

sentence, or further substantive sentences of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.'

Amendment of section 401.

"62. (1) For the third paragraph of section 401 of the same Code, the following shall be substituted, namely :—

'If any condition on which a sentence has been suspended or remitted is, in the opinion of the Government of Mysore, not fulfilled, the Government may cancel the suspension or remission; and thereupon the person in whose favor the sentence has been suspended or remitted may, if at large, be arrested by any Police officer without warrant, and remanded to undergo the unexpired portion of the sentence.'

(2) After the third paragraph of the same section, the following shall be inserted, namely :—

'The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favor the sentence is suspended or remitted, or one independent of his will.'"

New sections to follow section 475.

"63. After section 475 of the same Code, the following sections shall be inserted, namely :—

Power of Government to order criminal lunatics confined by its order to be removed from one place to another.

'475. A. The Government of Mysore may direct that any person whom the Government has ordered under this Chapter to be confined in a lunatic asylum, jail or other place of safe custody shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in the territories of Mysore.'

Power of Government to relieve Inspector General of certain functions.

'475. B. The Government of Mysore may empower the officer in charge of the Jail in which a person is confined, under the provisions of section 466 or section 471, to discharge all or any of the functions of the Inspector General of Prisons, under section 472, section 473, or section 474.'"

Amendment of section 495.

"64. (1) For the first sentence of section 495 of the same Code, the following shall be substituted, namely :—

'Any Magistrate enquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of Police below a rank to be prescribed by the Government of Mysore in this behalf.'

(2) After the last sentence of the same section, the following shall be added, namely :—

'An officer of Police shall not be permitted to conduct the

prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.' "

Amendment of section 510.

"65. In section 510 of the same Code, for the word 'the' before the words 'Chemical Examiner,' where those words first occur, the word 'any' shall be substituted."

New section to follow section 541.

"66. After section 541 of the same Code, the following shall be inserted, namely :—

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

'541 A. (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

(*a*) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure as applied to Mysore by Regulation II of 1884; or

(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure as applied to Mysore by Regulation II of 1884.' "

Addition of new section after section 558.

"67. After section 558 of the same Code, the following section shall be added, namely :—

Officers concerned in sales not to purchase or bid for property.

'559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.' "

Correction of omission in Schedule II.

"68. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code, the following shall be inserted, namely :—

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
If offence charged be punishable with imprisonment for seven years.	Do	Do	Do	Do	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the 1st Class.

Section 2.

[a] "69. In the same Schedule, for section 225 A, and the line of entries against that section, the following shall be substituted, namely: — Further amendment of Schedule II.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
225 A	Omission to apprehend or sufferance of escape, on part of public servant in cases not otherwise provided for:—						
	(*a*) in case of intentional omission or sufferance.	Shall not arrest without warrant.	Do	Bailable.	Do	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the 1st Class.
	(*b*) in case of negligent omission or sufferance.	Do	Summons	Do	Do	Simple imprisonment for two years, or fine, or both.	Magistrate of the 1st or 2nd Class.
225 B	Resistance or obstruction to lawful apprehension or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Do	Do	Imprisonment of either description for six months, or fine, or both.	Ditto."

"70. In the part of Schedule III of the same Code, entitled 'IV. *Ordinary powers of a Sub-Divisional Magistrate*,' the following shall be inserted after the second article, namely:— Correction of omission in Schedule III.

'(2A) Power to require security for good behaviour, section 110.'"

"71. In the definition of 'Officer in charge of Police station,' in section 4, clause (*o*), of the same Code, there shall be substituted for the word 'therefrom' the words 'from the station-house' and for the words 'present at the Police station' the words 'present at the station-house.'" Amendment of section 4.

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[a] In enacting this amendment, it appears to have been overlooked that the substitution of the new sections 225A and 225B of the India Penal Code for the original section 225A, effected by Act X of 1886, s. 24 (1), had not been adopted in Mysore.

REGULATION No. II OF 1888.

(PASSED ON THE 2ND DAY OF AUGUST 1888.)

A Regulation to regulate the manufacture, possession, use, sale, transport and importation of explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale, transport and importation of explosives; His Highness the Maharaja is pleased to enact as follows :—

Short title.

1. This Regulation may be called the Mysore Explosives Regulation, 1888.

Commencement.

2. (1) This Regulation shall come into force on such day* as His Highness the Maharaja's Government by notification in the official Gazette appoints.

(2) Provided that any notification or rule may be made under this Regulation at any time after the passing thereof, but shall not take effect until the Regulation comes into force.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,

(1) "explosive" means any substance dangerous to life or property by reason either of its explosive properties or of any process in the manufacture thereof being liable to cause explosion, which the Government of Mysore may, from time to time by notification in the official Gazette, declare to be an explosive within the meaning of this Regulation :

(2) "manufacture" includes the process of dividing into its component parts or otherwise breaking up or unmaking any explosive or making fit for use any damaged explosive, and the process of re-making, altering or repairing any explosive :

(3) "carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled :

(4) "import" means to bring into the territories of Mysore by land.

Power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.

4. (1) The Government of Mysore may, for any part of the territories under its administration, make rules consistent with this Regulation to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by these rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

* The 1st July 1898, *vide* Notification No. 234 M. dated 31st March 1898, published in the Mysore Gazette of 14th April 1898.

Section 5.

(2) Rules under this section may provide for all or any of the following among other matters, that is to say :—

(*a*) the authority by which licenses may be granted;

(*b*) the fees to be charged for licenses and the other sums (if any) to be paid for expenses by applicants for licenses;

(*c*) the manner in which applications for licenses must be made, and the matters to be specified in such applications;

(*d*) the form in which and the conditions on and subject to which licenses must be granted;

(*e*) the period for which licenses are to remain in force; and

(*f*) the exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(3) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, transporting or importing explosives in breach of the rules or otherwise contravening the rules:

Provided that the maximum penalty which may be imposed by any such rules shall not exceed :—

(*a*) in the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees;

(*b*) in the case of a person so possessing, using or transporting an explosive, a fine which may extend to one thousand rupees;

(*c*) in the case of a person so selling an explosive, a fine which may extend to five hundred rupees; and

(*d*) in any other case, two hundred rupees.

Power for Government to prohibit the manufacture, possession or importation of specially dangerous explosives.

5. (1) Notwithstanding anything in the rules under the last foregoing section, the Government of Mysore may, from time to time, by notification in the official Gazette—

(*a*) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the Government of Mysore, it is expedient for the public safety to issue the notification; and

(*b*) cancel any notification under this section.

(2) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

6. (1) The Government of Mysore may make rules consistent with this Regulation authorizing any officer, either by name or in virtue of his office—

(*a*) to enter, inspect, and examine any place or carriage in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under this Regulation, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Regulation or of the rules made under this Regulation;

(*b*) to search for explosives therein;

(*c*) to take samples of any explosive found therein on payment of the value thereof; and

(*d*) to seize, detain, remove, and, if necessary, destroy any explosive found therein.

(2) The provisions of the Code of Criminal Procedure as introduced into the territories of Mysore by Mysore Regulation I of 1886, relating to searches under that Code, shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

Notice of accidents.

7. Whenever there occurs in or about or in connection with any place in which an explosive is manufactured, possessed or used, or any carriage either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police station.

Inquiry into accidents.

8. (1) Whenever in the opinion of a District Magistrate, Sub-Divisional Magistrate, or any other Magistrate specially empowered by the Government of Mysore in this behalf, an inquiry is necessary into the cause of any accident of the description mentioned in section 7, he may either himself make the inquiry or direct a Magistrate subordinate to himself to make the inquiry.

(2) Any Magistrate making an inquiry under this section shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an inquiry into an offence under the Code of Criminal Procedure as so introduced as aforesaid.

Sections 9-13.

Forfeiture of explosives.

9. When a person is convicted of an offence punishable under this Regulation or the rules made under this Regulation, the Court before which he is convicted may direct that the explosive or ingredient of the explosive or the substance (if any) in respect of which the offence has been committed or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Abetment and attempts.

10. Whoever abets within the meaning of the Indian Penal Code as in force in the territories of Mysore the commission of an offence punishable under this Regulation, or the rules made under this Regulation, or attempts to commit any such offence, and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Power to arrest without warrant persons committing dangerous offences.

11. Whoever is found committing any act for which he is punishable under this Regulation or the rules under this Regulation, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored or any railway or any carriage, may be apprehended without a warrant by a police officer or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place or by any agent, or servant of, or other person authorized by the railway administration, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Saving for manufacture, possession, use, sale, transport or importation by Government.

12. Nothing in this Regulation shall apply to the manufacture, possession, use, sale, transport or importation of any explosive—

(*a*) by order of the Government of Mysore, or,

(*b*) by any person employed under that Government in the execution of this Regulation, or as a keeper of a magazine, artizan, policeman or otherwise, or enrolled as a volunteer under the Indian Volunteers Act, XX of 1869, in the course of his employment or duty as such.

Saving of Indian Arms Act, 1878.

13. Nothing in this Regulation shall affect the provisions of the Indian Arms Act, 1878, [a] as in force in the territories of Mysore, or any law for the time being in force relating to the manufacture, conversion, possession, transport and sale of arms, ammunition and military stores:

Provided that an authority granting a license under this Regulation for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order

[a] The Indian Arms Act, XI of 1878, was repealed in Mysore by Regulation VI of 1890, s. 2.

written on the license that it shall have the effect of a like license granted under the said Indian Arms Act.

Saving as to liability under other law.

14. Nothing in this Regulation or the rules under this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or those rules or from being liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or those rules:

Provided that a person shall not be punished twice for the same offence.

Procedure for making publication and confirmation of rules.

15. (1) Before making any rules under this Regulation the Government of Mysore shall publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the Government of Mysore, from time to time, may consider adequate.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Government of Mysore shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Regulation shall not take effect until it has been published in the official Gazette.

(6) The publication in the official Gazette of a rule purporting to be made under this Regulation shall be conclusive evidence that it has been duly made.

(7) All powers to make rules conferred by this Regulation may be exercised from time to time as occasion requires.

REGULATION No. III OF 1888.

(PASSED ON THE 24TH DAY OF OCTOBER 1888.)

A Regulation to apply to the City of Mysore, the provisions of the Municipal Regulations of Bangalore City.

WHEREAS it is expedient to enact a Code of Regulations relating to the appointment of Municipal Commissioners for the municipal limits of the City of Mysore and the management of its municipal affairs, and to make better provision for the police, conservancy, and improvement of the said City of Mysore, and to enable the said Commissioners to levy taxes, tolls, town-duties and rates therein; His Highness the Maharaja has been pleased to enact as follows:—

1. The Code of Regulations published in the Notification of His Excellency the Viceroy and Governor-General of India in Council, No. 51 J., dated the 31st March 1871, as amended by the Notification of the Dewan of Mysore No. 108, dated the 6th April 1883,* shall have the force of law within the Municipal limits of

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* NOTIFICATION NO. 103, DATED THE 6TH APRIL 1883.

WHEREAS it is expedient to amend the Code of Municipal Regulations published in the Notification of His Excellency the Viceroy and Governor General of India in Council, No. 51 J., dated 31st March 1871, His Highness the Maharaja is pleased to enact the following modifications in the said Code of Municipal Regulations:

(1) For the words "Chief Commissioner," "Chief Commissioner of Mysore" and "Chief Commissioner for Mysore," wherever they occur, the words "Government of His Highness the Maharaja of Mysore" shall be substituted.

(2) To section 2, add a Clause as follows:—

The word "President," except in sections 11 and 12, shall mean and include the "Vice-President appointed under section 11."

(3) In section 3, for the last sentence, the following sentence shall be substituted:—

"The Commissioners and the President and the Vice-President appointed under section 11 of these Regulations shall be styled 'the Municipal Commissioners for the Town of Bangalore,' and shall, by such name, be a body corporate and have perpetual succession and shall sue and be sued in such name."

(4) The following shall be substituted for sections 11 and 12 of the Regulations:—

"11. The Deputy Commissioner of Bangalore for the time being shall *ex officio* be President of the Municipal Commissioners for the Town of Bangalore, and the Government of His Highness the Maharaja may, from time to time, appoint an officer to be styled 'Vice-President of the Municipal Commissioners for the town of Bangalore.' The entire executive power and responsibility for the purposes of these Regulations shall be vested in the President, and in his absence, or under his control, and in accordance with his orders, in the Vice-

Section 1.

the City of Mysore from the 1st December 1888, so far as it may be applicable, and in the same manner as if the words "City of Mysore" had been substituted for the words "Town of Bangalore," and the words "Deputy Commissioner of Mysore" for the words "Deputy Commissioner of Bangalore," in the aforesaid Code of Regulations.

President. All executive acts which are hereinafter directed to be done by the Municipal Commissioners shall, unless the contrary intention appears from the context, be done by the said President or Vice-President. Provided that nothing contained in this Section shall be taken to prevent any act of the said President or Vice-President being overruled by the Municipal Commissioners present at any meeting.

"12 All powers conferred and duties imposed by these Regulations upon the President are hereby conferred and imposed also upon the Vice-President. The Vice-President shall be removable from his office at the pleasure of the Government of His Highness the Maharaja, and he may receive such allowances out of the Municipal funds to be raised under these Regulations and in such proportion from each fund as may from time to time be fixed by His Highness' Government."

(5) In Section 13 the following words shall be omitted :—

"And shall not hold any other appointment nor follow any other occupation and shall devote the whole of their time and attention to the duties of their respective offices."

(6) For Section 78 the following shall be substituted :—

"Appeals against any rate, toll or tax, assessed or demanded by the Commissioners under the previous provisions of these Regulations, shall be heard and determined by the District Judge of Bangalore and the decisions of the said District Judge in such appeals shall be final. But no such appeals shall be heard unless the amount of the rate or tax has been deposited with the Commissioners, and no appeal against a rate assessed by the Commissioners under Section 68 shall be heard unless complaint has been previously made to the President as hereinbefore provided Provided that the said District Judge may, if he thinks fit, in all cases in which an appeal lies to him under these Regulations, state a case for the decision of the Chief Judge of Mysore, which decision shall have the effect of law and carry costs.

"When a case has been so referred, the Chief Judge shall pass such orders thereon as shall seem right. A copy of the Chief Judge's decision under his seal and signature shall be transmitted to the District Judge, who shall proceed to dispose of the case conformably to the said decision and shall also be empowered to direct by whom the costs of the appeal and reference are to be paid."

(7) For section 93 the following shall be substituted :—

"93. The Police Force of the Town of Bangalore shall be deemed to be part of the General Police Force of the Mysore Government, and its administration within the limits of the said Town shall vest in the District Magistrate of Bangalore."

(8) In section 117, for the words "Deputy Superintendent" the words "District Judge" shall be substituted.

(9) In section 245, for the words and figures "section 61 of the Code of Criminal Procedure as amended by Act VIII of 1869", substitute the words and figures "section 307 of the Code of Criminal Procedure."

REGULATION No. IV OF 1888.

The Mysore Land Revenue Code.

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SCHEDULES.

REGULATION No. IV OF 1888.

(PASSED ON THE 22ND DAY OF NOVEMBER 1888.)

A Regulation to consolidate and amend the law relating to Revenue Officers and the Land Revenue in the territories of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue officers and to the assessment and recovery of Land Revenue, and to other matters connected with the Land Revenue administration; His Highness the Maharaja is pleased to enact as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be cited as "The Mysore Land Revenue Code, 1888." Short title.

It extends to the whole of the territories of Mysore. Local extent.

It shall come into force on the first day of April 1889. Commencement.

2. The Acts, Rules, Notifications and Orders mentioned in the Schedule A hereto annexed are repealed, but not so as to render invalid anything done in accordance with any of them. Enactments repealed.

All references made in any Act, Rule, Notification, or Order, to any enactment hereby repealed, shall be read as if made to the corresponding portion of this Regulation.

And all rules prescribed, appointments made, securities furnished, powers conferred, orders issued, and notifications published under any such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Regulation) be deemed to have been respectively prescribed, made, furnished, conferred, issued and published hereunder.

And all proceedings now pending which have been commenced under any enactment hereby repealed shall be deemed to have been commenced under this Regulation, and shall hereafter be conducted in accordance with the provisions of this Regulation.

3. In this Regulation, unless there be something repugnant in the subject or context,— Interpretation section.

(1) "revenue officer" means every officer of any rank whatsoever employed in or about the business of the land revenue, or of the surveys, assessment, accounts or records connected therewith: Revenue officer.

Section 3 (*contd.*)

Survey officer. (2) "survey officer" means an officer appointed under, or in the manner provided by, section 17 of this Regulation:

Land. (3) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory:

Estate. (4) "estate" means any interest in land and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same:

Survey number. (5) "survey number" means a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records of the village, town or city in which it is situated, and includes a recognized share of a survey number:

Recognized share of a survey number. (6) "recognized share of a survey number" means a subdivision of a survey number separately assessed and registered:

Building site. (7) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon:

Boundary mark. (8) "boundary mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground, or other object, whether natural or artificial, set up, employed, or specified by a survey officer or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land:

To hold land. (9) "to hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land, either immediate or at the termination of tenancies legally subsisting:

Holder or Landholder. (10) "holder" or "landholder" signifies the person in whom a right to hold land is vested, whether solely on his own account or wholly or partly in trust for another person, or for a class of persons or for the public. It includes a mortgagee vested with a right to possession:

Holding. (11) "holding" signifies land over which such right extends:

Tenant, Landlord. (12) "tenant" signifies a person who holds by a right derived from a superior holder called his "landlord" or from his landlord's predecessor in title, and is, or, but for a special contract, would be, liable to pay rent for such land to his landlord:

Section 3 (*contd.*)

(13) "rent" signifies whatsoever is paid or delivered in money or kind, or whatever service is rendered, by a tenant on account of the use or occupation of land let to him : Rent.

(14) "superior holder" signifies a holder entitled to receive from other holders rent or land revenue on account of lands held by them, whether or not such holder pays land revenue to Government on account of such lands : Superior holder.

(15) "inferior holder" signifies a holder liable to pay rent or land revenue to a superior holder : Inferior holder.

(16) "occupant" signifies a holder of unalienated land, or when there are more holders than one, the holder having the highest right in respect of any such land, or where such highest right vests equally in more holders than one, any one of such holders : Occupant.

(17) "registered occupant" signifies a sole occupant or the eldest or principal of several joint occupants whose name is authorizedly entered in the Government records as holding unalienated land whether in person or by his co-occupant, tenant, agent, servant, or other legal representative : Registered occupant.

(18) "occupancy" signifies the sum of the rights vested in an occupant as such: Occupancy.

(19) "alienated" means transferred in so far as the rights of Government to payment of the rent or land revenue are concerned, wholly or partially, to the ownership of any person : Alienated.

(20) the word "village," "town" or "city" includes all lands belonging to such village, town or city : Village, town or city.

[a] (21) the words 'revenue year' mean the period from and exclusive of the 30th June of one calendar year until and inclusive of the 30th June in the next calendar year. The revenue year 1891-92 shall consist of fifteen months running from 1st April 1891 to 30th June 1892, both days inclusive : Revenue year.

(22) "section" means a section of this Regulation : Section.

(23) the words "this chapter" mean the chapter of this Regulation in which those words occur : This chapter.

(24) "village accountant" means the officiator shanbhog, and includes every person performing any of the duties of the shanbhog. Village accountant.

(25) "Government" means "the Government of His Highness the Maharaja of Mysore." Government.

[a] This interpretation clause was substituted for the original clause (21) by Regulation III of 1892, s. 1.

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

Chief controlling authority in revenue matters.

4. (1) The chief controlling authority in all matters connected with the land revenue is vested in the Government.

Delegation of powers and duties to Revenue Commissioner or other officer.

(2) The Government may, subject to such rules and conditions as it may prescribe, impose and confer upon an officer appointed to be the Revenue Commissioner, or upon any other officer above the rank of a Deputy Commissioner, any of the duties and powers imposed and conferred upon the Government by this Regulation and specified in Schedule I of this Regulation.

Provided that, of the duties and powers specified in the said Schedule I, those under sections 14, 15, 36, 158, 160, 164 and 189 of this Regulation shall be exercised by the Revenue Commissioner, or such other officer as aforesaid, subject to the general or special sanction of Government.

(3) The Government may also impose and confer upon the Revenue Commissioner, or such other officer as aforesaid, all duties and powers which are imposed and conferred on the chief controlling revenue authority by any other law for the time being in force.

(4) All Revenue officers shall be subordinate to the Revenue Commissioner, or such other officer as aforesaid, who shall exercise the powers and discharge the duties conferred and imposed upon him in accordance with this section, and, so far as it is consistent with this Regulation or any other law for the time being in force, all such other powers or duties of appeal, superintendence and control, within the territories of Mysore and over the officers subordinate to him, as may, from time to time, be prescribed by a general order of the Government.

(5) The Government may, from time to time, cancel or alter any order passed by it under this section.

Mysore to be divided into districts.

5. The territories of Mysore shall be divided into such number of districts with such limits as may, from time to time, be prescribed by a duly published order of the Government.

A district to consist of taluks, and a taluk of villages.

And each such district shall consist of such number of taluks, and each taluk shall consist of such number of villages, as may, from time to time, be prescribed in a duly published order of the Government.

Sections 6-9.

Present districts, taluks, &c.

The present districts, taluks and villages shall remain as they are for the purposes of this Regulation until altered by the Government.

Deputy Commissioner of district.

6. The Government shall appoint in each district an officer who shall be called the Deputy Commissioner of the district, and who may exercise, throughout his district, all the powers and discharge all the duties conferred and imposed on a Deputy or Assistant Commissioner by this Regulation, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government.

Assistant Commissioners.

7. The Government may appoint to each district as many Assistant Commissioners as it may deem expedient.

To be subordinate to Deputy Commissioner.

All such Assistant Commissioners and all other officers employed in the land revenue administration of the district shall be subordinate to the Deputy Commissioner.

Assistant Commissioners in charge of taluks.

8. (1) The Government may place any Assistant Commissioner in charge of the revenue administration of one or more of the taluks in a district.

Their duties and powers.

(2) Any Assistant Commissioner thus placed in charge shall, so far as regards the taluk or taluks in his charge, perform such of the duties and exercise such of the powers imposed and conferred upon the Deputy Commissioner by this Regulation, or by any other law at the time being in force, as the Government may, by a general or special order, from time to time direct, and his immediate superior authority for the purpose of section 210 shall be deemed to be either the Government or the Deputy Commissioner of the district as the Government may, in each case, direct.

(3) To such Assistant Commissioner as may not be placed in charge of taluks, the Deputy Commissioner shall, under the general or special orders of the Government, assign such particular duties and powers as he may from time to time see fit.

Deputy Commissioner of district in case of temporary vacancy.

9. If the Deputy Commissioner is disabled from performing his duties, or for any reason vacates his office, or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by the Government, succeed temporarily to his office, and shall be held to be the Deputy Commissioner of the district under this Regulation, until the Deputy Commissioner resumes charge of his district, or until the Government appoints a successor to the former Deputy Commissioner, and such successor takes charge of his appointment.

The Amildar and his appointment.

10. The chief officer entrusted with the local revenue administration of a taluk shall be called an Amildar. He shall be appointed by the Government.

His duties and powers.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Regulation, or by any other law for the time being in force, or as may be imposed upon or delegated to him by the Deputy Commissioner under the general or special orders of the Government He shall, after the passing of this Regulation, continue to perform the duties and exercise the powers at present performed and exercised by him until such time as he is otherwise directed by competent authority.

The Deputy Amildar, his duties and powers.

11. Whenever it may appear necessary, the Government may appoint a Deputy Amildar to be in charge of a defined portion of a taluk and may assign to him within his local limits such of the duties and powers of an Amildar as may, from time to time, be considered necessary. The Deputy Amildar's immediate superior authority shall, for the purposes of section 210 of this Regulation, be deemed to be the Assistant Commissioner in charge of the taluk, or, if no Assistant Commissioner is placed in charge of the taluk, the Deputy Commissioner.

Amildar or Deputy Amildar may depute subordinates to perform certain of his duties.

12. It shall be competent to an Amildar or Deputy Amildar, subject to such general orders as may from time to time be passed by the Government or by the Deputy Commissioner, to employ any of his subordinates to perform any portion of his ministerial duties: Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Amildar or Deputy Amildar.

Amildar in case of temporary vacancy.

13. If an Amildar is disabled from performing his duties, or for any reason vacates his office or leaves his taluk, or dies, either the Deputy Amildar, or, if there is no Deputy Amildar in the taluk, the Sheristadar of the taluk, shall succeed temporarily to the said Amildar's office, and shall be held to be the Amildar under this Regulation until the Amildar resumes charge of his taluk, or until such time as a successor is duly appointed and takes charge of his appointment.

Stipendiary patel and village accountant to be appointed where no hereditary patel or village accountant exists.

14. In villages where no hereditary patel or village accountant exists, it shall be lawful for the Deputy Commissioner, under the general orders of the Government, to appoint a stipendiary patel or village accountant, who shall perform respectively all the duties of hereditary patels or village accountants as hereinafter prescribed in this Regulation, or in any other law for the time being

in force, and shall hold their situations under the rules in force with regard to subordinate revenue officers.

Saving of rights of holders of alienated villages.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in such alienated or other villages.

Village accountant to keep such records as he may be required to keep by Government.

15. The Government shall prescribe, from time to time, what registers, accounts and other records shall be kept by the village accountant, and pending the first issue of orders under this section, the village accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep.

And to prepare public writings.

It shall also be the duty of the village accountant to prepare, whenever called upon by the patel of his village or by any superior revenue or police officer of the taluk or district to do so, all writings connected with the concerns of the village which are required either for the use of the Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

Holder of alienated village to keep such records as are prescribed by Government.

16. (1) Every holder of an alienated village shall be bound to keep such registers, accounts, and other records as may, from time to time, be prescribed by Government to be kept for alienated villages. He shall be responsible for the punctual and correct preparation of such registers, accounts and other records, and shall deposit with the Deputy Commissioner true copies of such of them as the Government may, either by a general or special order, from time to time direct.

Village accountant in alienated village to keep such records.

(2) Where there is a village accountant, it shall be his duty to prepare and keep the registers, accounts and other records referred to in this section, under the control of the holder of the alienated village or his agent.

Procedure on failure of holder of alienated village to keep registers, &c.

(3) When the holder of the alienated village fails to keep any registers, accounts or other records or to deposit copies of them with the Deputy Commissioner, in accordance with the provisions of this section, it shall be lawful for the Deputy Commissioner to cause such registers, accounts or other records or copies of them to be prepared by any other person and to levy the cost of such preparation from the holder of the alienated village, as if it were a revenue demand.

Survey officers.

17. For the purposes of Chapters VIII, IX and X of this Regulation, the Government may appoint such officers as it may, from time to time, consider necessary. Such officers shall be

designated "Superintendent and Deputy Superintendent of Survey and Settlement," "Survey Settlement Officer," and "Assistant Superintendent," or otherwise as may seem requisite, and shall be subordinated the one to the other in such order as the Government may direct.

Their duties and powers.

Subject to the orders of the Government, the officers so appointed are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force.

Combination of offices.

18. It shall be lawful for the Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter, or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

Certain appointments to be notified.

19. The appointment of all officers mentioned in sections 6, 7, 8, 10, 11, 17 and 18 shall be duly notified in the official Gazette.

Acting appointments.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act.

Establishments.

20. Subject to the rules or orders made under section 233, the appointment of all members of the establishments of the undermentioned officers shall, unless otherwise directed by Government, be made by those officers respectively, namely.—

the Deputy Commissioner;

the Superintendent of Survey;

any other officers whom the Government may hereafter direct.

The appointment of all members of the establishments of all other officers mentioned in the foregoing sections of this chapter and the appointment of all other subordinate revenue officers not hereinbefore provided for, shall be made in their respective departments by the Deputy Commissioner and the Superintendent of Survey: Provided that it shall be lawful for them to delegate such portion of this power as they may deem fit to any subordinate officer, but subject to the retention of a right of revision at any time of the appointments which may be made by such subordinate officers. And provided further that all appointments of Taluk Sheristadars and all other appointments the monthly

salary of which exceeds Rs. 40 shall be made subject to confirmation by the Government.

Seals.

21. The Government shall from time to time by notification prescribe what revenue officers shall use a seal, and what size and description of seal shall be used by each of such officers. Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them.

CHAPTER III.

Of the Security to be furnished by certain Revenue Officers and the Liability of Principals and Sureties.

Government to direct what officers shall furnish security and for what amount.

22. It shall be lawful for the Government to direct that such revenue officers as it deems fit shall, previously to entering upon their office, furnish security to such amount as Government may in each case deem expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell, or by deposit of cash in a Government Treasury or Government Savings Bank to the credit of the Government, or by the conveyance to the Government of approved immoveable property, whose estimated value may bear to the amount of security required any proportion prescribed by the Government, or by a bond in the form contained in Schedule B to this Regulation.

The amount for which such security shall be furnished may be varied from time to time by order of the Government, which shall also determine the number of sureties to be required when security is taken in the form of Schedule B.

Fresh or additional security.

23. The Deputy Commissioner or the Superintendent of Survey may, at any time after security has been given by a revenue officer subordinate to him, if it appear to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and, in case of the officer failing to give such security within such time not less than one month as the Deputy Commissioner or Superintendent of Survey may fix after its being required of him, may suspend or dismiss him:

Proviso.

Provided always that no greater security shall be demanded than is required by the orders of the Government under the last preceding section.

Demands for money, papers, &c., to be made known in writing to person concerned;

24. The Deputy Commissioner or the Superintendent of Survey, or any officer deputed by the Deputy Commissioner or Superintendent of Survey for this purpose, shall, in all cases in which he may have a claim on any revenue officer or any person formerly employed as such in his district or department for public money or papers or other Government property, by writing under his official seal, if he use one, and signature, require the money or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

who may be arrested and confined in jail if he fail to produce them.

If the officer or other person as aforesaid shall not discharge the money, or deliver up the papers or property as directed, or fail to assign sufficient cause for non-compliance with the requisition made as aforesaid, the Deputy Commissioner or the Superintendent of Survey may cause him to be apprehended, and may send him with a warrant, in the form of Schedule C, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Confinement not to exceed one month.

Provided that no person shall be detained in confinement by virtue of such warrant for a longer period than one calendar month.

Public moneys may also be recovered as arrears of revenue.

25. The Deputy Commissioner, of his own motion, if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Survey if such officer or person is or was serving in the survey department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Regulation for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering public papers or other property appertaining to Government, may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Criminal Procedure Code, 1882.

Search warrants may be issued for recovery of papers or property.

Persons in possession of public moneys &c., bound to give them up.

It shall be the duty of all persons in possession of such public moneys, papers or other property appertaining to Government to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

Surety liable in the same manner as principal.

26. The surety or sureties of such officer or other person as aforesaid, who may enter into a bond in the form of Schedule

Sections 27-29.

B, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default, and notwithstanding such principal may be so proceeded against:

Extent of liability.

Provided always that in any case of failure to discharge or make good any sum of money due to Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties, as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them:

Surety or sureties not liable to imprisonment if penalty be paid.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government Treasury the whole or such part of the penalty named in the bond as may be demanded.

An officer or surety in jail may, by furnishing certain security, obtain his release.

27. If an officer or other person as aforesaid, or his surety or sureties, against whom a demand is made, shall give sufficient security in the form of Schedule D, the Deputy Commissioner, or Superintendent of Survey, as the case may be, shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner or other person from whose possession such property may have been seized.

Liability of surety not affected by death of principal or by his taking a different appointment.

28. The liability of the surety or the sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 22 and until his bond is cancelled.

Liability of heirs of deceased officer.

The heirs of a deceased officer shall be bound to deliver to Government all public money or papers or other Government property which may have come into their possession or control, and they may be proceeded against in the same manner as the deceased officer, if alive, could have been proceeded against: Provided that when money is claimed, the heirs shall be liable only to the extent of assets inherited by them from the deceased.

How surety may withdraw from further liability.

29. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time, on his stating in writing to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such

writing, as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

CHAPTER IV.

OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS AND OF THEIR PUNISHMENT FOR MISCONDUCT.

Prohibited acts.

30. (1) No revenue officer shall, except with the express permission of the Government,

Not to trade.

(*a*) engage in trade, or be in any way concerned, directly or indirectly, either as principal or agent, in any commercial transaction whatever; or

Not to purchase at public sale.

(*b*) purchase, or bid for, either in person or by agent, or in his own name, or in the name of another, or jointly, or in shares with others, any property which may, under the provisions of this Regulation or of any other law for the time being in force, be sold by order of any revenue or judicial authority in the district in which such officer is at the time employed:

(2) And no revenue officer shall

Not to make private use of public money or property.

(*a*) derive either for himself or for any other individual any profit or advantage beyond his lawful salary or emolument from any public money or property with the collection or charge of which he is entrusted or connected; or

Not to make or receive undue exactions or presents.

(*b*) demand or receive under the color or by the exercise of his authority as such revenue officer or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf, any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Regulation or of any other law for the time being in force.

Proviso.

Provided that the restriction mentioned in paragraph (1) of this section shall not apply--

(*a*) to a village officer, or

(*b*) to a revenue officer under the grade of a Taluk Sheristadar who may have obtained the permission of the Deputy Commissioner or Superintendent of Survey to whom he may be subordi-

nate, as the case may be, unless such officer is himself appointed to conduct the sale under paragraph (1) (*b*).

Power of fining, reducing, suspending and dismissing in whom to vest.

31. Subject to rules or orders made under section 233, all revenue officers may be fined, reduced, suspended or dismissed for any such offence as is described in the last preceding section, or for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty, or other misconduct, by the authority by whom such officer is appointed, or by any authority superior to such authority; and this power may be delegated by such first named authority in whole or in part to any subordinate officer on the same condition that the power of appointment may be delegated under section 20.

All such orders to be made in writing.

32. When any revenue officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record such order or cause the same to be recorded, together with the reasons therefor, in writing under his signature in the Kanarese language or in English.

Appeals against such orders.

An appeal against an order under this section shall lie to the authority immediately superior to the officer passing the order, and the decision of such authority shall be final, except in cases in which the subordinate fined, reduced, suspended or dismissed is a Taluk Sheristadar or has been drawing a monthly salary exceeding Rs. 40, in which case there shall be an appeal to Government.

Fine not to exceed two months' pay.

33. No fine inflicted under the foregoing provisions shall in any case exceed the amount of two months' pay of the office held by the offender at the time of the commission of the offence.

And how recovered.

34. All fines inflicted under this chapter may be recovered from the officer's pay, or, if necessary, may be realized in the same way as arrears of land revenue are recoverable under this Regulation.

Liability to criminal prosecution not affected.

35. Nothing in this chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Officer may be suspended during trial and subsequently suspended, reduced, or dismissed.

Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority, whether he have been found guilty or not.

Sections 36-38.

CHAPTER V.

OF LAND AND LAND REVENUE.

Land.

Public roads etc., and lands which are not the property of others, belong to Government.

36. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of rivers, streams, nalas, lakes and tanks, and all canals, and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of individuals legally capable of holding property, and except in so far as any rights of such individuals may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of Government; and it shall be lawful for the Deputy Commissioner to dispose of them in such manner as may be authorized by Government, subject always to the rights of way, and all other rights of the public or individuals legally subsisting.

Encroachments upon public roads, streets, &c.

37. When it is proved on a formal enquiry before the Deputy Commissioner that any public road, street or thoroughfare, or any place of public resort or use, or the bed of any river, stream, nala, tank or canal, the property of Government, has been encroached upon by any person, the Deputy Commissioner may take possession of the part encroached upon, unless such part is shown to have been held for a period of not less than 12 years. It shall be lawful for the Deputy Commissioner to clear such land by the removal of any buildings or other obstruction, in the event of the person in occupation thereof, or other person interested, after written notice of not less than one month shall have been served upon him, failing to do so himself.

Right to metals and minerals to vest in Government.

38. Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed by the Government for the time being, the right to all precious metals, precious stones, coal and other minerals to be extracted by any process of mining from any lands whatsoever, shall vest absolutely in the Government, and the Government shall have all the powers necessary for the proper enjoyment or disposal of such rights.

Provisos.

Provided that—

(1) Nothing in this section shall be deemed to apply to limestone, granite and such other ordinary minerals as the Government, by notification in the official Gazette, may from time to time exempt from the scope of this section;

Section 38 (*contd.*)

(2) If, for the purpose of exercising any of the rights referred to in this section either by the Government or by any person acquiring such rights from the Government, any land in the holding or enjoyment of others is required, such land may be acquired in accordance with [a] the Land Acquisition Regulation, VII of 1894 [a] and whenever, in the exercise of the rights aforesaid, any damage be caused to any holder of land by the disturbance of the surface of such land, and such holder and the Government be unable to agree as to the amount of compensation to be paid to such holder for such damage, the same shall be determined in accordance with the procedure prescribed by [a] the Land Acquisition Regulation, VII of 1894. [a]

(3) Any person claiming a right to minerals by the terms of any grant or other instrument now in existence shall, within five years after the passing of this Regulation, prefer his claim in writing to the Deputy Commissioner of the district in which the land in respect of which the right is claimed is situate, who shall hold a formal inquiry into the claim, record his opinion thereupon, and submit the proceedings to the Superintendent of Inam Settlement or such other officer as the Government may specially appoint in this behalf. The Superintendent of Inam Settlement, or such other officer as aforesaid, shall thereupon fix a day for the hearing of the claim and give notice thereof to all parties interested therein, and, after hearing such of them as may appear, shall pass his decision thereon.

(4) Subject to the provisions contained in sections 5 to 25 inclusive of the Limitation Act, the claim shall be held to be barred by limitation if not made within five years after the passing of this Regulation.

(5) An appeal shall lie to the Chief Court from any decision passed under this section by the Superintendent of Inam Settlement or such other officer as aforesaid, provided that the appeal be presented within ninety days of the date of such decision. But the Chief Court shall not set aside or modify any such decision otherwise than upon the merits, for any want of form or irregularity in procedure, or without notice to the Government of the hearing of the appeal.

(6) The decision passed under this section by the Superintendent of Inam Settlement or such other officer as aforesaid, or if an appeal be preferred therefrom to the Chief Court, then the

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[a-a] Substituted for "the Land Acquisition Act X of 1870," *vide* Regulation VII of 1894, s. 2 (3).

decision of the Chief Court on such appeal, shall be a final adjudication of the claim.

(7) Claim to rights to minerals shall not be cognizable by any tribunals except as above provided.

Lands may be assigned for special purposes and where so assigned shall not be otherwise appropriated without the sanction of Government.

39. The Government may, at any time whatsoever, and, subject to the general orders of the Government, survey officers may, whilst survey operations are proceeding under Chapter VIII of this Regulation, set apart lands, the property of Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for other public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Government, and in the disposal of land under section 36 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

40. The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, either by custom or by an express order of the survey officer or the Deputy Commissioner, and shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner, subject to such general rules, if any, as may be prescribed by the Government. The Deputy Commissioner's decision as to the said right of grazing shall be final.

Right to trees in villages to which a survey settlement has not been introduced.

41. (1) In villages or portions of villages to which a survey settlement has not been introduced under Bombay Act I of 1865 or under Chapter VIII of this Regulation, the right to all trees, except such as are reserved by Government under any law relating to forests for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing, except when such trees are the property of the Government or of individuals, in which case it shall be competent for Government to transfer the right in question to the occupant under such rules as the Government may, from time to time, frame in that behalf.

Right to trees in unalienated land.

(2) In villages or portions of villages of which the original survey settlement has been completed before the passing of this Regulation, the right of Government to all trees in unalienated land, except trees reserved by Government, or by any survey officer, whether by express order made at or about the time of such settlement, or under any rule or general order in force at the time of such settlement, or by notification made and published

at or any time after such settlement, shall be deemed to have been conceded to the occupant.

(3) In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Regulation, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land, except in so far as any such rights may be reserved by Government, or by any Survey officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village.

(4) When permission to occupy land has been, or shall hereafter be, granted after the completion of the survey settlement of the village, or portion of a village, in which such land is situate, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Government trees and forests.

42. The right to all trees specially reserved under the provisions of the last preceding section, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may, from time to time, direct.

Road-side trees.

43. All road-side trees which have been planted and reared by or under the orders of, or at the expense of, Government, or at the expense of local funds, vest in Government. But in the event of such trees dying, being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder. Provided that the trees shall not be lopped except under the orders of the Deputy Commissioner.

If the holder of any land in which such trees are growing shall so desire, and shall make an application to the Deputy Commissioner for the purpose at any time within two years from the date on which this Regulation shall come into operation, the

Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted. Any strip of land so deducted shall, with the trees upon it, vest thereafter in Government.

Recovery of value of trees, &c., unauthorizedly appropriated.

44. Any person who shall unauthorizedly fell and appropriate any trees or any portion thereof, or remove any other natural product which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, and shall also be liable to a fine not exceeding one hundred rupees, provided that the Deputy Commissioner may, instead of imposing a fine as aforesaid, institute criminal proceedings against him in respect of his said appropriation of Government property.

The decision of the Deputy Commissioner as to the value of such tree or portion thereof or other natural product shall be final.

Land Revenue.

All land liable to pay revenue unless specially exempted.

45. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to Government according to the rules hereinafter enacted, except such as may be wholly exempted under the provisions of any special contract with the Government or any law for the time being in force.

Liability of alluvial lands to land revenue.

46. All alluvial lands, newly formed islands or abandoned river-beds, which vest, under any law for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land revenue, to the same privileges, conditions or restrictions as are applicable to the original holding, in virtue of which such lands, islands, or river-beds so vest in the said holder; but no revenue shall be leviable in respect of any such lands, islands or river-beds, until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Remission of assessment in cases of diluvion.

47. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be from time to time made in this behalf by the Government, to a decrease of assessment if any portion thereof, not being less than half an acre in extent, nor less than one-tenth of the holding, is lost by diluvion.

Land revenue upon what descriptions of land chargeable.

48. The land revenue leviable under the provisions of this Regulation shall be chargeable—

(*a*) upon land appropriated for purposes of agriculture;

Section 49.

(*b*) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;

(*c*) upon land appropriated for building sites.

Assessment subject to variation if purpose for which land is held is changed.

And the assessment fixed under the provisions of this Regulation upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed may not have expired.

Land held rent-free for one purpose liable to assessment if used for another purpose.

When any land which is situated in an unalienated village, or which, being situated in an alienated village, is excluded from the assets thereof, has been allowed by Government to be held free of assessment or on a reduced assessment on condition of its being appropriated to one purpose, it shall become liable to be charged with full assessment, if at any time it ceases to be appropriated for such purpose.

Appropriation of land to certain purposes may be prohibited.

It shall also be lawful for the Deputy Commissioner or for a survey officer, subject to rules or orders made in this behalf under section 233, to prohibit the appropriation of any unalienated land liable to the payment of land revenue for certain purposes, and to summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

Commuted assessment of land indirectly taxed to the State.

49. (1) When it has been customary to levy any special or extra cess, fine or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine or tax, been indirectly taxed to the State;

And of land liable to occasional assessment.

or, when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess, or tax, however designated;

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances; but such commuted assessment shall not exceed such amount as the Government shall deem to be a fair equivalent of the assessment, cess, fine or tax for which it is substituted, and shall not be in excess of the assessment to which the land would be ordinarily subject if no right to exemption existed in respect thereof.

Superior holder may recover

(2) Whenever any such cess, fine or tax hitherto payable by an inferior holder shall be made leviable from the superior holder,

commuted assessment from inferior holder.

it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

Excess of assessmen may be levied on land inadequately assessed held with it.

(3) When it has been customary to levy a larger revenue upon any portion of land than such portion would ordinarily be liable to, in consideration of other land being held with it which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt.

Assessment by whom to be fixed.

50. On all lands not wholly exempt from payment of land revenue, and not within the local operation of an order made under section 106, the assessment of the amount to be paid as land revenue shall be fixed at the discretion of the Deputy Commissioner, subject to rules or orders made in this behalf under section 233, and the amounts due according to such assessment shall be levied on all such lands:

Proviso.

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had, in the fixing of the assessment and the levy of the revenue, to all rights legally subsisting, according to the nature of the said rights.

Register of alienated lands.

51. A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognized under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the Government under section 232, grant to any person whom he may deem entitled to the same a certified extract from the said register, which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

Settlement of assessment to be made with the holder directly from Government.

52. The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 142, is primarily responsible to Government for the same.

Or, if he be absent and have left no

If the said person be absent and have left no known authorized agent in the District, so that the settlement of the assess-

ment cannot be concluded with him, such settlement may be made with the person holding under him, or in occupation of the land.

Agent, with the next holder.

53. The Government may authorize the Deputy Commissioner or the officer in charge of a survey, or such other officer as it appoints, to fix such rates as it may from time to time deem fit to sanction for the use, by land-holders and other persons, of water the right to which vests in Government, or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by Government [a] or by a private person acting under the written authority of Government. [a] Such rates shall be liable to revision at such periods as Government shall from time to time determine, and shall be recoverable as land revenue.

Rates for the use of water.

54. Arrears of land revenue due on account of land by any land-holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, freed from all tenures, encumbrances, and rights created by the occupant or holder or any of his predecessors in title, or in anywise subsisting as against such occupant or holder, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233.

Land revenue to be a paramount charge on the land.

55. It shall be lawful for the Deputy Commissioner, in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last preceding section or any law for the time being in force, to take immediate possession of the land embraced within such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Regulation or any other law for the time being in force.

Forfeited holding may be taken possession of and otherwise disposed of.

56. Every revenue officer receiving payment of land revenue shall give a written receipt for the same.

Receipts to be granted by revenue officers for payments of land revenue.

And every superior holder of an alienated village or of an alienated share of a village, or a duly authorized agent of such

And by superior holders for payments of rent or revenue.

[a-a] These words in section 53 were inserted by Regulation I of 1891, s. 1.

superior holder, shall give a written receipt for every payment of rent or land revenue made to him by an inferior holder.

Penalty for failure to grant receipts.

57. Any person convicted of a breach of the provisions of the last preceding section, after summary enquiry before the Deputy Commissioner, shall be liable to a fine not exceeding three times the amount received for which receipt was not duly granted.

CHAPTER VI.

OF THE OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS.

Occupation.

Written permission of Amildar required previous to taking up unoccupied land.

58. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Amildar or Deputy Amildar, or as may be provided under rules made in this behalf under section 233.

Penalties for unauthorized occupation of land.

59. Any person who shall unauthorizedly occupy any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall,

if the land which he unauthorizedly occupies forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his occupation; and

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose;

and shall also be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limits as may be fixed in rules or orders made in this behalf under section 233 if he have appropriated it to any non-agricultural purpose.

The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be final, and in determining the amount of assessment payable for the land unauthorizedly occupied, occupation for an incomplete portion of a year shall be counted as for a whole year.

The person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crops he may have raised on the land shall be liable to forfeiture, and any building or other construction he may have erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

Forfeitures under this section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

Occupancy right to be paid for and to be liable to certain conditions.

60. It shall be competent to the Deputy Commissioner, subject to such orders as may from time to time be made by the Government, to require the payment of a certain price for the occupancy, or to sell that right by auction, and to annex such conditions to the occupancy as may seem fit, before permission to occupy is granted under section 58.

Price to include price of trees.

The price of an occupancy shall, unless otherwise directed by the terms of the sale, include the price of the Government right to all trees not reserved under the provisions of section 41, and shall be recoverable as an arrear of land revenue.

Occupancy of alluvial land which vests in Government.

61. When it appears to the Deputy Commisioner that the occupancy of any alluvial land which vests, under any law for the time being in force, in Government, may, with due regard to the interests of the public revenue, be disposed of in perpetuity, or otherwise as the Government may direct by rules or orders made in this behalf under section 233, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

The price of an occupancy so offered shall not exceed three times the annual assessment of the land of which the occupancy is offered.

If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last preceding section without any restrictions as to the price thereof.

Temporary right to alluvial land of small extent.

62. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre, and also exceeds one-tenth of the area of his holding. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last preceding section.

Sections 63-64.

The word "holding," in this section and in section 47 shall be deemed to mean a survey number, or any division of land on which a distinct or aggregate assessment has been fixed.

Occupants' Rights.

Uses to which occupant of land for purposes of agriculture may put his land.

63. (1) An occupant of land appropriated for purposes of agriculture is entitled, by himself, his servants, tenants, agents, or other legal representatives, to erect farm-buildings and dwelling houses for agriculturists and their laborers, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land, or its more convenient occupation for the purposes aforesaid.

Procedure, if the occupant wishes to apply his land to any other purpose.

(2) But if any occupant wishes to appropriate his holding or any part thereof to any other purpose, the Deputy Commissioner's permission shall, in the first place, be applied for by the registered occupant. The Deputy Commissioner, on receipt of such application, shall at once furnish the applicant with a written acknowledgment of its receipt, and, after inquiry, either grant or refuse the same; but if the applicant receive no answer within three months from the date of the said acknowledgment, the Deputy Commissioner's permission may be deemed to have been granted. Unless the Deputy Commissioner shall, in particular instances, otherwise direct, no such application shall be recognized except it be made by the registered occupant.

Fine to be levied for such appropriation in addition to special assessment.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture, it shall be lawful for the Deputy Commissioner, subject to general orders of Government, to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 48.

Penalty for so appropriating land without permission.

64. If any such land be so appropriated without the permission of the Deputy Commissioner being first obtained, or before the expiry of three months from the date of the said acknowledgment, the occupant and any tenant or other person holding under or through him shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated, or from the entire field or survey number of which it may form a part, and the registered occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 48, for the period during which the said land has been so appropriated, such fine as the Deputy Commissioner may, subject to the general orders of the Government, direct.

Co-occupant or tenant responsible to

Any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who shall, without

the registered occupant's consent, appropriate any such land to any such purpose and thereby render the said registered occupant liable to the penalties aforesaid, shall be responsible to the said registered occupant in damages. registered occupant in damages.

Provided that the Deputy Commissioner may, instead of fining the registered occupant as aforesaid, fine any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who may have, without the registered occupant's consent, appropriated any such land to any such purpose as aforesaid. Proviso.

65. Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between Government and the registered occupant. Permission may be granted on terms.

66. An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or, if the period is unlimited, in perpetuity, conditionally on the payment of the amounts due on account of the land revenue for the same according to the provisions of this Regulation, or of any rules made under this Regulation, or of any other law for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy. Occupant's rights are conditional.

67. If, by a decree or order of a competent Court, it shall be adjudged that the occupant of any land is an inferior holder under another person, or that the occupancy is vested in another person, or if in the execution of such a decree or order the interest of the occupant in the land have been transferred by sale or otherwise to another person, such other person shall, on producing a certified copy of the decree or order, or the Court's certificate of the sale, or other transfer, be deemed to be the occupant and be dealt with accordingly, and on written application being made to the Deputy Commissioner for the purpose, such change shall be made in the entry of the registered occupant's name as the circumstances require. Decree or order of competent Court to be given effect to.

68 On the death of a registered occupant, the Deputy Commissioner shall cause the name of his eldest son, or other person appearing to be his heir or the principal of his heirs, to be registered in his stead, and the said heir shall thereafter be deemed the registered occupant, and, subject to the provisions of the last preceding section, shall be dealt with accordingly. Name of heir to be registered when registered occupant dies.

69. If at any time any person shall, by production of a certificate of heirship or of a decree or order of a competent Court, When entry to be amended.

satisfy the Deputy Commissioner that he is entitled to be the registered occupant in preference to the person whose name the Deputy Commissioner has ordered to be registered under section 68, the Deputy Commissioner shall cause the entry in the Government records to be amended accordingly.

Right of occupancy to be transferable and heritable.

70. The right of occupancy shall be deemed an heritable and transferable property subject to the provisions contained in section 54, or otherwise prescribed by law, and shall immediately pass to the person whose agreement to become an occupant shall have been accepted by the Deputy Commissioner.

Relinquishment of occupancy.

Occupant may relinquish his occupancy.

71. An occupant may, by giving written notice to the Amildar or Deputy Amildar, relinquish his occupancy, either absolutely or in favor of a specified person: provided that such relinquishment apply to the entire occupancy or to whole survey numbers, or recognized shares of survey numbers.

An occupancy absolutely relinquished shall be at the disposal of Government, and shall be disposed of by the Deputy Commissioner in accordance with such rules as may, from time to time, be framed by Government in that behalf.

An absolute relinquishment shall, unless otherwise directed by any special or general rules framed by Government, be deemed to have effect from the close of the current revenue year, and notice thereof must be given before the 31st March in such year, or before such other date as may be, from time to time, prescribed in this behalf for each district by the Government. A relinquishment in favor of a specified person may be made at any time.

When there are more occupants than one, the notice of relinquishment must be given by the registered occupant; and the person, if any, in whose favor an occupancy is relinquished, or, if such occupancy is relinquished in favor of more persons than one, the principal of such persons, must enter into a written agreement to become the registered occupant, and his name shall thereupon be substituted in the records for that of the previous registered occupant.

Relinquishment of lands paying a lump assessment.

72. When a lump assessment is fixed upon several fields or survey numbers in the aggregate, it shall not be lawful for the occupant to relinquish as aforesaid any one or more of such fields or survey numbers except with the previous consent of the Deputy Commissioner. It shall be competent to the Deputy Commissioner to grant or refuse his consent; if he grants it, the occupancy shall be divided, and the Deputy Commissioner shall determine the

proportional amount of land revenue to be paid by each portion of it, and the original occupant and the person, if any, in whose favor he relinquishes a portion of his occupancy, shall be held liable for the revenue severally assessed on their portions.

Relinquishment of alienated land.

73. The provisions of the last two sections shall apply as far as may be, to the holders of alienated land:

Proviso:

Provided—

Relinquishment of land described in section 49.

(*a*) that it shall not be lawful to relinquish as aforesaid any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 49 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section; and

(*b*) that if any person relinquish land on which, under the circumstances described in section 49, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempt from payment of revenue.

Right of way to relinquished land.

74. If any person relinquishes land the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Sections 72 and 73 not to operate in certain cases.

75. Nothing in sections 72 and 73 shall affect—

(*a*) the responsibility of any share in a village for the land-revenue of which the sharers are all, according to law or the custom of the village, jointly responsible, or

(*b*) the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from Government.

Occupant or holder to continue liable for all demands until the occupancy or holding is duly relinquished or transferred.

76. The registered occupant or the holder of alienated land shall continue liable for the land revenue due on the occupancy or alienated holding and for all other lawful demands of Government in respect of the same, until such time as the occupancy or alienated holding is relinquished or transferred, under any of the provisions of this Regulation, to the name of any other person; and the Deputy Commissioner shall not be bound in any case to recognize any person to whom any interest in any portion of an occupancy or alienated holding has been assigned, unless the transfer has been recorded in the revenue records in accordance with the foregoing provisions.

Sections 77-78.

Remedies against Forfeiture of Occupancies and Alienated Holdings.

To prevent forfeiture of occupancy, certain persons other than the registered occupant may pay the land revenue.

77. In order to prevent the forfeiture of an occupancy or alienated holding under the provisions of section 54 or of any other law for the time being in force, through non-payment, by the registered occupant or by the holder of the alienated holding, of the land revenue due on account of the occupancy or alienated holding, it shall be lawful for any co-occupant, co-holder, co-sharer, tenant, mortgagee or other person interested in the continuance of the occupancy or alienated holding, to pay, on behalf of such registered occupant or holder, all sums due on account of land revenue, and for the Deputy Commissioner to receive the same.

And in any such case, the Deputy Commissioner may give to the person who has paid the land revenue as aforesaid such aid for the recovery of the proportional amounts which he may consider to be properly payable by other persons in occupation or enjoyment of parts of a field or survey number or alienated holding as he might legally have given had the persons so paying been the registered occupants or holders of alienated holdings:

Proviso.

Provided that nothing authorized or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jurisdiction.

Deputy Commissioner may in certain cases make co-occupant or other person registered occupant instead of selling occupancy for realization of land revenue.

78. If it shall appear to the Deputy Commissioner that a registered occupant or holder of an alienated holding has failed to pay land revenue, and has thus incurred forfeiture with a view to injure or defraud his co-occupants, co-holders, co-sharers or other persons interested in the continuance of the occupancy or alienated holding, or that a sale of the occupancy or alienated holding will operate unfairly to the prejudice of such co-occupants, co-holders, co-sharers, or other persons, it shall be lawful for him, instead of selling the occupancy or alienated holding, to forfeit only the interest in the same of the said registered occupant or holder of alienated holding as the case may be, and to substitute the name of any such co-occupant, co-holder, co-sharer, or other person as registered occupant or holder thereof in the revenue records, on his payment of all sums due on account of land revenue for the occupancy or alienated holding; and such person so becoming the registered occupant or holder shall have the rights and remedies with respect to all other persons in occupation or enjoyment provided for by section 97.

Sections 79-80.

CHAPTER VII.

Of Superior and Inferior Holders.

Tenancy.

Amount of rent payable by tenant.

79. A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking or retaining possession of land permissively from, or by sufferance of, another, shall be regarded as holding the same at the rent, or for the services, agreed upon between them; or, in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all of the circumstances of the case, shall be just and reasonable.

Duration of tenancy.

And where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him.

Presumption as to tenure.

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord, receives, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

Saving clause.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or otherwise) to enhance the rent payable, or services renderable, by the tenant, or to evict the tenant for non-payment of the rent, or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

Annual tenancy terminates on 31st March.

80. An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

Three months' notice to be given by landlord and tenant for termination of tenancy.

An annual tenancy shall, in the absence of any special agreement to the contrary, require for its termination a notice given in writing by the landlord to the tenant or by the tenant to the landlord at least three months before the end of the year of

tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E or to the like effect.

Landlord to furnish tenant with written lease.

81. Every tenant is entitled to receive from his landlord a written lease containing the following particulars :—

(*a*) the quantity and description of land held by him, and where the fields have been numbered in the records of a Government survey or other public record, the number of each field;

(*b*) the amount of annual rent, if any, payable for such land;

(*c*) the instalments in which, and the dates on which, such rent is to be paid;

(*d*) any special conditions of the lease; and

(*e*) if the rent is payable in kind, the quantity or the share of produce to be delivered; and the time, manner and place of delivery.

Landlord entitled to written engagement from tenant.

82. Every landlord who grants a lease is entitled to receive a written reciprocal engagement from the tenant, executed by the tenant and in comformity with the terms of the lease. The tender to any tenant of a lease such as he is entitled to receive shall entitle the landlord to receive a reciprocal engagement from such tenant.

Leases or agreements fixing rent in perpetuity.

83. (1) Notwithstanding anything contained in section 79, where, before the passing of this Regulation, any lease has been granted or any agreement entered into fixing in perpetuity the rent of unalienated land, such lease or agreement shall, when the Government revenue payable in respect of such land is enhanced, be voidable at the option of the landlord, unless the tenant agrees to pay such rent as the Deputy Commissioner or other person duly empowered in this behalf may, on the application of the landlord, determine to be fair and reasonable.

(2) When the Gonernment revenue payable in respect of such land is reduced, such rent as the Deputy Commissioner or other person duly empowered in this behalf may. on the application of the tenant, determine to be fair and reasonable, shall be accepted by the landlord.

(3) The determination of the amount of rent under this section shall be such that the net profits accruing to the landlord therefrom are the same as before the enhancement or reduction of the Government revenue.

Sections 84-86.

Rights of Tenants in Alienated Land.

"*Kadim* tenant" defined.

84. A tenant holding alienated land, whether situated in an alienated village or not, and paying to the superior holder of such land, by way of land revenue, a rent in money or in kind assessed at rates of land revenue assessment obtaining at the time when such land was alienated by Government, or at rates subsequently fixed in accordance with the established rates of land revenue assessment for the village, or at rates fixed by competent revenue authority or by a survey settlement, shall have a right to continue to hold such land at the rent hitherto paid for it, or, when such rent is altered in accordance with this Regulation, at the rent so altered.

Such a tenant shall be called a "*kadim* tenant."

Kadim tenant to have all rights conferred upon occupant of unalienated land.

The payment of rent by the person or persons from whom a *kadim* tenant derives his title shall be the payment of rent by such tenant within the meaning of this section.

A *kadim* tenant shall have all rights which are conferred by this Regulation upon an occupant of unalienated land.

Superior holder may arrange his own terms of rent for alienated waste land.

85. In the case of alienated lands which are either immemorial waste lands or lands left unoccupied through voluntary relinquishment or otherwise, it shall be lawful for the superior holder, by means of a written agreement, to arrange his own terms of rent with the applicants for such lands: Provided that nothing in this section shall affect any special rights which, by law or usage having the force of law, are held by any individual or class of individuals in such waste or unoccupied lands.

Extent to which rent payable by a *kadim* tenant may be enhanced.

86. The rent payable by a *kadim* tenant shall not be liable to enhancement except—

(*a*) to the extent of the proper full assessment as fixed and recorded at a survey under sections 111, 120, and 236, or under a revision of survey under section 115;

(*b*) to the extent necessary for re-imbursing the superior holder for any cesses assessable on lands which Government may newly impose upon him;

(*c*) to the extent of the additional value imparted to the holding by any work of irrigation or other improvement executed at the expense of the superior holder, or to the extent of any additional tax which he has been required to pay to Government by reason of the additional value imported to the holding, whether by the use of Government water, or by any work of irrigation or other improvement executed at the expense of Government;

Proviso.

Provided that the enhancement of rent due to additional value imparted to a holding under this section shall be fixed in accordance with the established local usage of the village, or, where there is no such local usage, in accordance with rates of assessment prevailing in neighbouring villages as regards lands, alienated or unalienated, of similar quality with similar advantages; and

(*d*) to the extent of the increased area of the holding due to alluvion, but subject to the conditions specified in sections 46 and 62.

Grounds for abatment of rent payable by a *kadim* tenant.

87. The rent payable by a *kadim* tenant is liable to abatement,

(1) on the ground that the area of the land held by him has been diminished by diluvion or otherwise, by any cause beyond his control;

(2) to the extent of any reduction of assessment at a survey or revision of survey under sections 111, 115, 120 and 236;

(3) when there has been an enhancement of rent on any of the grounds specified in clauses (*b*) and (*c*) of section 86, to the extent to which such grounds have ceased to exist, as well as to the extent to which the holding has deteriorated in value, by reason of the superior holder's neglect to repair or maintain irrigation works and the consequent diminution of the supply of water for irrigation purposes.

Suit for enhancement or abatement of rent to be made to Deputy Commissioner.

88. Any person entitled to have rent enhanced or abated upon any of the grounds specified in sections 83, 86 and 87 may bring a suit before the Deputy Commissioner within whose district the land on account of which such rent is payable is situated, and such Deputy Commissioner shall decide the suit after holding a formal enquiry.

Nothing in sections 84 to 87 to bar the enhancement or abatement of rent by written agreement of landlord and tenant.

89. Notwithstanding anything contained in sections 84 to 87 (both inclusive), an enhancement or abatement of rent payable by a *kadim* tenant may be effected by agreement in writing between tenant and landlord duly registered in accordance with the provisions of any law for the time being in force relating to the registration of assurances, and Civil Courts may take cognizance of suits based upon such agreement.

Operation of decision for enhancement or abatement of rent from what date to commence.

90. Every decision for enhancement or abatement of rent passed by the Deputy Commissioner under section 88 shall, except when such decision otherwise expressly directs, take effect from the commencement of the revenue year next following the date of the filing of the suit.

Sections 91-95.

Terms of *kadim* tenants' leases.

91. *Kadim* tenants are entitled to receive leases at the rate hitherto paid by them or determined in accordance with the provisions of section 88.

Terms of leases for other tenants.

All other tenants are entitled to leases on such terms as may be agreed upon between them and their landlords.

On refusal of superior holder, tenant to apply to Deputy Commissioner for lease.

92. When any superior holder of alienated land shall, for three months after demand, have refused to grant such lease as his tenant was entitled to receive, it shall be lawful for the latter to proceed by filing a suit before the Deputy Commissioner, who shall, after a formal enquiry, decide the terms of the lease to which the tenant is entitled, and direct the superior holder to grant him such lease and shall further award to the tenant such costs and damages as may be shown to have been incurred by him.

On refusal of tenant to accept lease or to execute reciprocal engagement, superior holder to apply to Deputy Commissioner.

93. When any tenant holding alienated land shall, for one month after demand, have refused to accept such a lease as the superior holder of such land was entitled to grant, or to execute a reciprocal engagement under section 82, it shall be lawful for the superior holder to proceed by a suit before the Deputy Commissioner to enforce the acceptance of such lease. The Deputy Commissioner shall thereupon hold a formal enquiry to determine whether the lease offered is a proper one.

If he shall be of opinion that the lease is a proper one, he shall pass a decision directing the tenant to accept the lease and to execute a reciprocal engagement in accordance with it. If the Deputy Commissioner shall be of opinion that the lease offered is not a proper one, he shall decide what lease ought to be offered and shall pass a decision directing the tenant to accept such lease and to execute a reciprocal engagement in accordance therewith.

If, within six months after the date of the Deputy Commissioner's decision, the tenant shall not have accepted the lease, as approved or amended by the Deputy Commissioner in manner aforesaid, and shall not have executed a reciprocal engagement in accordance with the terms of such lease, the Deputy Commissioner, on the application of the superior holder and on proof of such default on the part of the tenant, shall pass an order for ejecting the tenant.

Determination of disputes in suits under sections 92 and 93.

94. The determination of disputes regarding the amount or rates of rent in suits under sections 92 and 93 shall be in accordance with the rules contained in sections 86 and 87.

Procedure on refusal of superior holder to grant lease as directed.

95. (1) When the superior holder required by a decision under section 92 to grant a lease refuses or delays to grant the same, the Deputy Commissioner may grant a lease under his own

hand and seal in conformity with the terms of the decision, and such lease shall be of the same force and effect as if granted by such superior holder.

Deputy Commissioner's decision to be evidence of amount of rent claimable from tenant.

(2) When the tenant required by a decision under section 93 to execute a reciprocal engagement has refused or failed to execute the same, the decision shall be evidence of the amount of rent claimable from such tenant, and shall have the same force and effect as a reciprocal engagement executed by him.

Procedure in suits under sections 88, 92 and 93.

96. (1) In suits under sections 88, 92 and 93, the procedure prescribed by Chapters V, VII, VIII, XXXVII and XLVII of the Code of Civil Procedure, as extended to the territories of Mysore by Regulation II of 1884, shall be followed in so far as the same may be applicable to them.

Appeals in such suits to lie to Chief Court.

(2) An appeal shall lie to the Chief Court from all decisions passed by a Deputy Commissioner under sections 88, 92 and 93, and from all orders passed in execution of any such decision; provided that the appeal be presented to the Chief Court within ninety days of the Deputy Commissioner's decision or order. But no such decision or order shall be set aside otherwise than upon the merits, for any want of form or irregularity in procedure.

Recovery of Superior Holders' Dues.

Superior holders entitled to assistance in recovering rent.

97. Superior holders (other than occupants of unalienated lands in villages the settlement of which has not been completed under Bombay Act I of 1865 or under Chapter VIII of this Regulation) shall be entitled to apply to the Deputy Commissioner in writing for assistance, by the use of precautionary and other measures, for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings, under the same rules, except that contained in section 143, and in the same manner as prescribed in Chapter XI of this Regulation for the realization of land revenue by the Government.

Proviso.

Provided that such application be made within the revenue year or within the year of tenancy in which the said rent or land revenue became payable. And provided further that, when such application is for the recovery of rent or land revenue from an inferior holder, it is based—

1*st*, upon a written agreement duly executed by such inferior holder and registered in accordance with the law for the time being in force for the registration of assurances; or

2*ndly*, upon a decision passed under any of the foregoing provisions of this Chapter; or

Sections 98-99.

3*rdly*, upon the records of a revenue settlement in force for the time being as proved by Government accounts or by accounts which Government recognizes for the purpose of this section.

Deputy Commissioner how to proceed on such application.

98. On application being made under section 97 to the Deputy Commissioner, he shall cause a written notice thereof to be served on the inferior holder or co-sharer, fixing a day for inquiry into the case. On the day so fixed he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of rent or land revenue as appears to him upon the evidence before him to be lawfully due.

Assistance may be refused or granted to a limited extent only.

But if it appears to the Deputy Commissioner that the question at issue between the parties is of a complicated nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates has been assessed under the provisions of Chapter VIII of this Regulation, or at any survey settlement confirmed by section 121, grant assistance to the extent only of the assessment so fixed upon the said land.

Civil suit not to be barred.

Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him, or to have been levied from him in excess of what was due, as the case may be.

Grant of Special Powers to Holders of Alienated Lands.

Government may by commission confer certain powers on holders of alienated lands.

99. It shall be lawful for the Government at any time to issue a commission to any holder of alienated lands, conferring upon him all or any of the following powers in respect of the land specified in such commission, namely,—

(*a*) to demand security for the payment of the land revenue or rent due to him, and, if the same be not furnished, to take such precautions as the Deputy Commissioner is authorized to take under sections 147 to 149, except the power to fine under para 3 of section 148, or to sell the crop under section 149;

(*b*) to attach the property of persons making default in the payment of such land revenue or rent as aforesaid;

(*c*) to fix from time to time the times at which, and the instalments in which, the land revenue or rent due to him shall be payable.

(*d*) to exercise the powers of a Deputy Commissioner under sections 63 and 64;

(*e*) to receive notices of relinquishment under section 71, and to determine the date up to which such notices shall be received as in that section provided; and

(*f*) to take measures for the maintenance and repair of boundary marks in the manner provided for survey officers in section 130:

Proviso. Provided that the powers contemplated in clauses (*c*) to (*f*), both inclusive, shall be conferred only on holders of lands to which a survey settlement has been extended under the provisions of section 236:

And provided further that the Government may in its discretion invest any holder of alienated village with any of the powers of a Deputy Commissioner under this Regulation, when such holder has, within the 30 years before the passing of this Regulation, regularly exercised corresponding powers whenever the estate has been in his own management.

Terms of such commission. **100.** Every such commission shall be in the form of schedule F, and shall be liable to be withdrawn at the pleasure of Government; and a commission may, if the Government see fit, be issued to one or more agents of a holder of alienated lands as well as to the holder in person.

Reference must be made by holder of commission to Deputy Commissioner in certain cases. **101.** If the holder of any such commission attach a defaulter's property, he shall make an immediate report to the Deputy Commissioner of his having done so. Should the demand on account of which the attachment has been made appear to the Deputy Commissioner, after such enquiry as he may deem fit to make, to be just, he shall give orders for the sale of the property, and the sale shall be conducted agreeably to the provisions of sections 171 to 192 either by the Deputy Commissioner or his subordinates, or by the holder if the Government, by an order under the last proviso to section 99, has authorized the holder to conduct such sale.

When compulsory process shall cease. **102.** All compulsory processes shall cease—

on the defaulter's paying or tendering the amount demanded of him under protest; or

on his furnishing either to the holder of the commission or his agent or agents, or to the Deputy Commissioner, satisfactory security in the form of schedule D, or to similar effect.

And any holder of any such commission as aforesaid, by himself or his agents, proceeding with any compulsory process after payment made or tendered as aforesaid, or after the furnishing

of such security as aforesaid, or after tender thereof, shall be liable, on conviction in a summary inquiry before the Deputy Commissioner, to a penalty not exceeding three times the amount of the revenue sought to be recovered by such compulsory process.

Power under commission to extend to current and previous years' arrears.

103. The power conferred by any such commission shall extend to the enforcement of the payment of the revenue or rent of the current revenue year and of the revenue year next immediately preceding, but not that of former years.

Holder of commission not to enforce any unusual or excessive demand.

104. The holder of any such commission shall not enforce a demand for revenue or rent in excess of what any inferior holder has paid previously to the date of such demand, or of what he may have contracted to pay by an instrument in writing duly registered in accordance with the law for the time being in force relating to the registration of assurances, or of what may have been decided as the proper amount of rent by a decision under section 88, 92 or 93. In the event of a dispute, the Deputy Commissioner shall hold a summary enquiry and decide what is just, and the holder of the commission shall not enforce a demand for more than what is so decided to be just.

Penalty for so doing.

The person against whom any demand shall have been enforced in excess of the amount of which payment is lawfully enforceable, shall be entitled to recover, on conviction of the holder of the commission in a summary inquiry before the Deputy Commissioner, three times the amount of any such excessive demand by way of damages, and the sum so due by the holder of the commission shall be leviable from him as an arrear of land revenue.

Nothing in this chapter to prevent Civil suit.

105. Nothing contained in the provisions of this chapter shall prevent parties holding the relation of landlord and tenant from seeking remedy in Civil Courts on matters not specially provided for in this chapter.

CHAPTER VIII.

Of Survey Settlements and the Partition of Estates.

Survey Settlements.

Revenue survey may be introduced by Government into any part of Mysore.

106. It shall be lawful for the Government, whenever it may seem expedient, to direct the survey of any land in any part of the territories of Mysore, with a view to the settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a revenue survey. Such survey may

extend to the land of any village, town or city generally, or to such land only as the Government may direct; and, subject to the orders of the Government, it shall be lawful for the officers conducting any such survey to except from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

Control of revenue survey.

The control of every such revenue survey shall vest in, and be exercised by, the Government.

Survey officer may require, by general notice or by summons, suitable service from holders of land, &c.

107. It shall be lawful for the survey officer deputed to conduct or take part in any such survey to require, by general notice, or by summons, the attendance of holders of land and of all persons interested therein, in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluk and village officers, who, in their several stations and capacities, are legally, or by usage, bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the survey, and such service in connection therewith, as may not be inconsistent with the position of the individuals so called on.

Assistance to be given by holders and others in the measurement or classification of lands.

108. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends, by furnishing flagholders: and in the event of a necessity for employing hired labor for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the lands surveyed, for collection as a revenue demand.

Survey numbers not to be less than a certain extent.

109. Except as hereinafter provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Government. A record of the minima so fixed shall be kept in the Amildar's office in each taluk, and shall be open to the inspection of the public at all reasonable times.

Exception.

These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Government given either generally or in any particular instance in this behalf; and any survey number separately recognized in the survey records shall be deemed to have been authorizedly made, whatever be its extent.

Sections 110-112.

Recognized shares of survey numbers.

110. Recognized shares of survey numbers shall be subject to the same provisions of this Regulation as are applicable to entire survey numbers, except—

(*a*) that it shall not be obligatory to demarcate such shares separately; and

(*b*) that if any such share is relinquished by the occupant absolutely under the provisions of section 71, the occupancy thereof shall be offered to the occupants of the other shares of the same survey number in the order of the relative largeness of the amounts payable by them respectively on account of the assessment of their said shares; and that, in the event of their all refusing the occupancy of the said share, the assessment thereon shall, until such time as the entire number is relinquished by them, be levied from them in proportion to the amounts of assessment payable by them as aforesaid.

Officer in charge of survey to fix assessment.

111. (1) Subject to rules or orders made in this behalf under section 233, the officer in charge of a survey shall have authority to fix the assessment for land revenue at his discretion on all lands within the local operation of an order made under section 106 not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of section 112, be levied on all such lands.

The assessment may be on land, or on means of irrigation, &c.

(2) The power to assess under this section shall, in the case of lands used for purposes of agriculture alone, include power to assess, whether directly on the land, or in the form of a rate or cess upon the means of irrigation in respect of which no rate is levied under section 53, or in any other manner whatsoever that may be sanctioned by Government.

Regard to be had to proviso to section 50.

(3) In fixing the assessment under this section, regard shall be had to the requirements of the proviso to section 50.

Proviso.

(4) Nothing in this section shall be deemed to prevent the survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue, or on all lands especially excepted under section 106 from the survey settlement, or from dividing all such lands to which the survey extends into survey numbers.

Assessment not leviable without the sanction of Government.

But may be fixed with or without modification by

112. The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of Government. It shall be lawful for the Government to declare such assessment, with any modification which it may deem necessary, fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agriculture alone, and in the case of all other

the Government for a term of years.

lands for any term or in perpetuity: Provided that nothing in this section shall prevent the Government from fixing the assessment on lands held on coffee tenure or granted for fuel or timber plantations for any term or in perpetuity subject to such conditions as it may prescribe.

Introduction of survey settlement how to be made.

113. When, in the case of lands used for the purposes of agriculture alone, Government shall have sanctioned the assessments fixed by the officer in charge of the survey, it shall be the duty of the said officer, or of the Deputy Commissioner, or Assistant Commissioner, publicly to announce, or to cause to be announced, the assessment fixed on each survey number, or recognized share of a survey number.

The said officer, or the Deputy Commissioner, or Assistant Commissioner, shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

If the holder or other person interested in any holding do not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

When the assessments have been announced in manner provided in the first clause of this section, the survey settlement shall be held to have been introduced.

The fixing of assessment under section 112 limited to ordinary land revenue.

114. The fixing of the assessment under the provisions of section 112 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Government to impose under the provisions of any law for the time being in force for purposes of local improvement, such as, the construction, maintenance and improvement of schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 53.

Government may direct a fresh revenue survey and revision of assessment.

115. It shall be lawful for the Government to direct at any time a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 112, or of Bombay Act I of 1865.

But improvements made from private capital and resources not to be assessed.

A revised assessment shall be fixed, not with reference to improvements made from private capital and resources during the currency of any settlement made under this Regulation or under Bombay Act I of 1865, but withreference to general considera-

tions of the value of land, whether as to soil or situation, prices of produce, or facilities of communication.

When, in fixing the assessment of any land, regard is had to a natural advantage thereof, and that advantage cannot be fully utilized except by means of an improvement which has not been made at the time of fixing the assessment, nothing in this section shall prevent the Government from foregoing its demand for a portion of the assessment until the expiration of such period after the improvement has been made, as, having regard to the reasonable claims of the person making the improvement and the expediency of encouraging improvements, it may think fit.

Certain improvements may be considered in fixing revised assessment.

116. Nothing in the last preceding section shall be held to prevent a revised assessment being fixed with reference to any improvement effected at the cost of Government.

Preparation of statistical and fiscal records.

117. It shall be the duty of the survey officer, on the occasion of making or revising a settlement of land revenue, to prepare a register, to be called "the Settlement register," showing the area and assessment of each survey number, together with the name of the registered occupant of such survey number, and other records, in accordance with such orders as may from time to time be made on this behalf by Government.

Survey officer or Deputy Commissioner or Assistant Commissioner to correct clerical and admitted errors in the settlement register.

118. The survey officer, or, if the survey settlement have been introduced under the provisions of section 113 by the Deputy Commissioner or Assistant Commissioner, the Deputy Commissioner or Assistant Commissioner, shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the settlement register.

And enquire into and pass orders on certain applications for mutation of names.

The Superintendent of Survey or the Deputy Commissioner shall receive and enquire into all applications made to him at any time within two years after the introduction of the survey settlement for the correction of any wrong entry of a registered occupant's name in the said register, and, if satisfied that an error has been made, whether through fraud, collusion, oversight, or otherwise, shall correct, or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made

after the said period of two years, except with the previous sanction of Government.

Deputy Commissioner to keep survey records and frame village records in accordance therewith.

119. The Deputy Commissioner shall keep the settlement register, and such other records, prepared by the survey officer, as Government shall direct, and shall cause the village records and accounts to be prepared in accordance therewith.

And to register changes, &c.

He shall not make any alterations or corrections in the settlement register, but shall cause to be registered in the village records and accounts all changes that may take place, and anything that may affect any of the rights or interests therein recorded.

Revenue management of villages or estates not belonging to Government that may be temporarily under Government management.

120. In the event of any alienated village or estate coming under the temporary management of Government officers, it shall be lawful for the Deputy Commissioner to let out the lands thereof at rates determined by means of a survey settlement, or at such other fixed rates as he may deem to be reasonable, and to sell the occupancy of unoccupied lands by auction, and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of Government officers: provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land.

Maintenance of existing settlements of land revenue.

121. Existing survey settlements of land revenue, made, approved and confirmed under the authority of the Government, shall be, and are hereby declared to be, in force, subject to the provisions of this Regulation.

Partition.

Rules for partition of estate paying revenue to Government.

122. The following rules shall be enforced at the partition of any estate paying land revenue to Government, namely:—

(1) the estate shall be divided as far as possible according to survey numbers without sub-dividing any number; but if the partition cannot be completely effected without sub-dividing a number, such sub-division may be made by the Deputy Commissioner, subject to the provisions of section 109:

(2) any number or sub-division of a number, which may remain over after the partition has been carried out, as far as

possible, according to the last rule, and which is incapable of sub-division or of further sub-division owing to the provisions of section 109, shall be made over to one of the sharers in consideration of his paying to the other sharers the value in money of their shares in the same, or shall be sold and the proceeds divided amongst all the sharers, or otherwise disposed of, as the Deputy Commissioner thinks fit :

(3) the expenses necessarily and properly incurred in making such partition shall be recoverable as a revenue demand in such proportions as the Deputy Commissioner thinks fit from the sharers at whose request it is made, or from the persons interested in such partition.

Partition of alienated village by the Deputy Commissioner on application by co-sharers.

123. Whenever any one or more co-sharers in an alienated village into which a revenue survey has been introduced consent to a partition of the said estate, it shall be lawful for the Deputy Commissioner, or for any other officer duly empowered by him in this behalf, subject to the rules contained in the last preceding section, to divide the said village into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers :

Proviso.

Provided that no such partition shall be made, unless—

(*a*) all the co-sharers are agreed as to the extent of their respective rights in the village ; and

(*b*) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one half of the assessment of the entire village.

In such cases the expenses of partition shall be recovered under rule (3) of the last preceding section from all the co-sharers in the village divided.

Sub-division of numbers at time of revision of survey.

124. At the time of a revision of survey, it shall be in the discretion of the officer in charge of the survey, subject to the provisions of section 109 and to any departmental rules or orders in this behalf at the time in force, to sub-divide any survey number into two or more distinct numbers, and to enter the names and liabilities of the persons whom he shall deem entitled to be recognized as registered occupants of such sub-divisions in the settlement register separately.

Separate demarcation of land appropriated under section 63 or 65.

125. When any portion of cultivable land is appropriated under the provisions of section 63 or 65 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated, and made into a separate number at any time, notwithstanding the provisions of section 109.

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS.

Determination of village boundaries.

126. The boundaries of villages situated in the territories of Mysore shall be fixed, and all disputes relating thereto shall be determined, by survey officers, or by such other officers as may be nominated by Government for the purpose, who shall be guided by the following rules :—

Village boundaries may be settled by agreement.

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and, in the case of an alienated village, the holder thereof, or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Procedure in case of disagreement or dispute.

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal enquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation.

Determination of field boundaries.

127. If, at the time of survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the survey officer according to the village records, and

according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if, at any time after the survey records have been handed over to the Deputy Commissioner, a dispute arise concerning the boundary of any survey number, it shall be determined by the Deputy Commissioner, who shall be guided, in the case of survey numbers, by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

Settlement of boundary dispute by arbitration.

128. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if, within a period to be fixed by the said officer, the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer, or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final:

When award may be remitted for reconsideration.

Provided that the said officer or the Superintendent of Survey shall have power to remit the award or any of the matters referred to arbitration, to the re-consideration of the same committee for any of the causes set forth in section 520 of the Code of Civil Procedure.

If arbitration fail, survey officer to settle the dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he, or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey, see fit to extend the time, to settle the same as otherwise provided in this Regulation.

Effect of the settlement of a boundary.

129. The settlement of a boundary under any of the foregoing provisions of this chapter shall be determinative—

(*a*) of the proper position of the boundary line or boundary marks; and

(*b*) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

Sections 130-133.

Boundary Marks.

Construction and repair of boundary marks of survey numbers and villages.

130. It shall be lawful for any survey officer authorized by a Superintendent of Survey or settlement officer, to cause to be constructed or repaired boundary marks of villages or survey numbers, whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on landholders to erect or repair boundary marks.

Such officer may require landholders to construct or repair their boundary marks by a notification, which shall be posted in the *chavadi* or other public place in the village to which the lands under survey belong, directing the holders of survey numbers to construct or repair, within a specified time, the boundary marks of their respective survey numbers, and on their failure to comply with the requisition so made, the survey officer shall then construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends.

Description of boundary marks.

The size, material and description of boundary marks shall be such as may, under the orders of Government, be fixed by the Superintendent of Survey, according to the requirements of soil and climate.

Responsibility for the maintenance of boundary marks.

131. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

Deputy Commissioner to have charge of boundary marks after introduction of the survey settlement.

132. When the survey settlement shall have been introduced into a district, the charge of the boundary marks shall devolve on the Deputy Commissioner, and it shall be his duty to take measures for their maintenance and repair, and for this purpose the powers conferred on survey officers by section 130 shall vest in him.

Penalty for injuring boundary marks.

133. Any person convicted, after a summary enquiry before the Deputy Commissioner, or before a survey officer not lower in rank than an Assistant Superintendent of Survey, of wilfully erasing, removing or injuring a boundary mark, or unauthorizedly erecting a boundary mark, shall be liable to a fine not exceeding fifty rupees for each mark, so erased, removed, injured, or erected.

CHAPTER X.

Of Lands within the Sites of Villages, Towns and Cities.

Limit of sites of villages, towns and cities how to be fixed, and assignment of building sites.

134. It shall be lawful for the Deputy Commissioner, or for a survey officer acting under the general or special orders of Government, to determine what lands are included within the site of any village, town or city, to fix, and from time to time to vary, the limits of the same, respect being had to all subsisting rights of landholders, and to set apart for building sites within such limits any lands which may be the property of Government and not in the lawful occupation of any person or aggregate of persons, provided that no land hitherto used for purposes of agriculture only shall be so set apart for building sites except under the special or general sanction of the Government. Land already set apart for building sites within the site of any village, town or city, shall be deemed to have been so set apart under this section.

Disposal of building sites

135. It shall be lawful for the Deputy Commissioner to dispose of lands set apart for building sites under section 134 in such manner as may be directed by rules which the Government may, from time to time, frame in that behalf, either subject to or exempt from liability to payment of land revenue, as may be directed by such rules.

Occupancy right confirmed.

136. The existing right of occupancy of all lands within the sites of villages, towns and cities, is hereby confirmed so far as the interest of Government is concerned, only excepting the case of encroachments, as provided for in section 37 of this Regulation.

Existing exemptions confirmed.

137. (1) Existing exemptions from payment of land revenue of lands situate within the sites of villages, towns and cities are hereby confirmed—

If land is an inam.

1*stly*, if such lands be alienated lands recognized by competent authority as wholly or partially exempt from the payment of land revenue;

If non-agricultural land has hitherto actually enjoyed exemption.

2*ndly*, if such lands, being other than lands ordinarily used for purposes of agriculture, have been held wholly or partially exempt from payment of land revenue at the time of the introduction of this Regulation;

If agricultural land has hitherto enjoyed exemp-

3*rdly*, if such lands, being ordinarily used for purposes of agriculture, have been held exempt from payment of land revenue at the time of the introduction of this Regulation, having been

tion as back-yard or hittalu.

excepted from a survey settlement already introduced on the ground of their being back-yards or *hittalus* attached to buildings or of its being deemed inexpedient to apply a survey settlement to them.

Government may declare what lands in villages, etc., ordinarily used for agriculture shall be exempt from land revenue.

(2) The Government may from time to time make, and from time to time vary or rescind, rules—

(*a*) declaring the nature, extent, description and situation of lands ordinarily used for purposes of agriculture within the sites of villages, towns and cities, to which a survey settlement shall not be applied and which shall be exempt from land revenue; and

And fix assessment for a term or in perpetuity.

(*b*) fixing the assessment on lands not exempt from land revenue, and situated within the sites of villages, towns and cities, for any term or in perpetuity, anything in section 112 notwithstanding.

Inam lands hitherto used for purposes of agriculture only appropriated to other purposes.

138. If any land within the site of any village, town or city, hitherto ordinarily used for agricultural purposes only and partially exempt from the payment of land revenue, be appropriated to any other purposes, it shall be liable to the payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable in respect of such land.

Survey of lands in sites of villages, towns and cities how to be conducted.

139. If the Government shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town or city, under the provisions of section 106, or a fresh survey thereof under the provisions of section 115, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Regulation, due regard being had to all existing exemptions from the payment of land revenue confirmed by section 137 :

Proviso.

Provided that nothing contained in sections 107, 108, 111 para (2), 113 or 126 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

In certain cases a survey fee to be charged.

140. When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants, each holder of a building site shall be liable to the payment of a survey fee to be assessed by the Deputy Commissioner under such rules as may be prescribed in this behalf from time to time by Government: Provided that the said fee shall in no case exceed rupees five for each survey number. The said survey fee shall be payable within six months from the

date of a public notice to be given in this behalf by the Deputy Commissioner after the completion of the survey of the site of the town or city or of such part thereof as the notice shall refer to.

Sannad to be granted without extra charge.

141. Every holder of a building site as aforesaid shall be entitled, after payment of the said survey fee, to receive from the Deputy Commissioner without extra charge one or more sannads, in the form of Schedule G, specifying by plan and description the extent and conditions of his holding:

Proviso.

Provided that, if such holder do not apply for such sannad or sannads at the time of payment of the survey fee or thereafter within six months from the date of the public notice issued by the Deputy Commissioner under the last preceding section, the Deputy Commissioner may require him to pay an additional fee not exceeding one rupee for each sannad.

Every such sannad shall be executed on behalf of the Government by such officer as may from time to time be lawfully empowered to execute the same.

CHAPTER XI.

Of the Realization of the Land Revenue and other Revenue Demands.

Responsibility for Land Revenue.

Primary responsibility.

142. The registered occupant shall be primarily responsible to Government for the land revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land revenue of alienated land.

Recovery of land revenue if the person primarily responsible fails to pay it.

On failure of the person primarily responsible to Government for the land revenue to pay the same according to the rules legally prescribed in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder or person in actual occupation of the land.

Credit to be allowed to inferior holder for recoveries made from him.

When land revenue is recovered from any such occupant, co-sharer, inferior holder, or other person, he shall be allowed credit for all payments which he may have made to the registered occupant, or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder or with his landlord for the amount recovered from him.

Sections 143-147.

Priority of Government Claim for Land Revenue.

Claims of Government to have precedence over all others.

143. The claim of Government to any moneys recoverable under the provisions of this chapter shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

Liability of crop for revenue of land.

144. In all cases the land revenue, for a revenue year, of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from any crop planted or harvested during such year on the land subject to the same.

Land Revenue when leviable.

Land revenue may be levied at any time during the revenue year.

145. The land revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 146 to 150, payment will be required only on the dates to be fixed under the provisions hereinafter contained.

Precautionary Measures for the Security of the Land Revenue.

Removal of crop which has been sold, &c., may be prevented until the revenue is paid.

146. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a civil court or other public authority, or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the revenue of the said land recoverable under section 144 has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged, or otherwise disposed of, be detained on account of more than one year's revenue.

In order to secure the land revenue the Deputy Commissioner may—

147. It shall be lawful for the Deputy Commissioner, in order to secure the payment of the land revenue by the enforcement of the lien of Government on the crop,—

prevent the reaping of the crop, or

(*a*) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

the removal thereof, or

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it

may have been deposited, without the written permission of himself or of some other officer as aforesaid;

(*c*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and to realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land revenue due in respect of the land to which such crop belongs. place watchmen over it.

148. The Deputy Commissioner's orders under either clause (*a*) or clause (*b*) of the last preceding section may be issued generally to all the holders of land paying revenue to Government in a village, or to individual holders merely. Deputy Commissioner's orders under last section how to be made known.

If the order be general, it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the *chavadi*, or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after summary inquiry by the Deputy Commissioner, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed. Penalty for disobedience of order.

149. The Deputy Commissioner shall not defer the reaping of the crop, or prolong its deposit unduly so as to damage the produce; and if, within two months after the crop has been deposited, the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this chapter, or take such portion thereof as he may deem fit for sale under the provisions of this chapter applicable to sales of moveable property in realization of the revenue due and of all legal costs, and release the rest: Reaping, &c., not to be unduly deferred. Crop when to be released.

Provided that the limit of two months shall not apply to articles of a perishable nature which shall immediately be sold as provided in section 174. Proviso.

150. If, owing to disputes among the sharers, or for other cause, the Deputy Commissioner shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire village or of a share of a village will not Temporary attachment and management of a village or share of a village.

be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

Section 166 to apply. Disposal of surplus profits.

The provisions of section 166 shall apply to any village or share of a village so attached, and all surplus profits of the land attached beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 120, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same or paid to the said person or persons from time to time, as the Deputy Commissioner, subject to the orders of the Government, may direct.

Precautionary measures to be relinquished on security being furnished.

151. The precautionary measures authorized by the last five sections shall be relinquished if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, shall pay the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and shall furnish security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Regulation of payment of Land Revenue.

Government to determine the dates, &c., on which land revenue shall be payable.

152. Land revenue, except when it is recovered under the provisions of the foregoing sections 146 to 150, shall be payable at such times, in such instalments, to such persons and at such places as may, from time to time, be determined by the orders of Government.

Defaulters.

Arrear. defaulters.

153. Any sum not so paid becomes thereupon an arrear of land revenue; and the persons responsible for it, whether under the provisions of section 142 or of any other section, become defaulters.

Liability incurred by default.

154. If any instalment of land revenue be not fully paid within the prescribed time, it shall be lawful for the Deputy Commissioner to proceed to levy at once the entire balance of land revenue due by the defaulter for the current revenue year, in addition to such charge as a penalty, or by way of interest, as may be authorized according to a scale to be fixed from time to time under the orders of the Government.

Sections 155-158.

155. A statement of account certified by the Deputy Commissioner or by an Assistant Commissioner shall, for the purposes of this chapter, be conclusive evidence of the existence of the arrear, of the amount of land revenue due, and of the person who is the defaulter. Certified account to be evidence as to arrears.

On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of one district to proceed to recover the demands of the Deputy Commissioner of any other district under the provisions of this chapter as if the demand arose in his own district. Deputy Commissioners may realize each other's demands.

Recovery of Arrears.

156. An arrear of land revenue may be recovered by the following processes:— Process for recovery of arrears.

(*a*) by serving a written notice of demand on the defaulter under section 158;

(*b*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 159;

(*c*) by distraint and sale of the defaulter's moveable property under section 160;

(*d*) by sale of the defaulter's immoveable property under section 161;

(*e*) by arrest and imprisonment of the defaulter under sections 163 and 164;

(*f*) in the case of alienated holdings consisting of entire villages, or shares of villages, by attachment of the said villages or shares of villages under sections 165 to 169.

157. The said processes may be employed for the recovery of arrears of former years as well as of the current revenue year, but the preference given by section 143 shall, except in cases falling under section 54, apply only to demands for the current revenue year, and the preference given by section 144 shall apply only to demands for the year in which the crop is planted or harvested. Revenue demands of former years how recoverable.

Provided that any process commenced in the current year shall be entitled to the said preferences notwithstanding that it may not be fully executed within that year. Proviso.

Notice of Demand.

158. A notice of demand may be issued on or after the day following that on which the arrear accrues. When notice of demand may issue.

Sections 159-163.

The Government may from time to time frame rules for the issue of such notices, and shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

Forfeiture of Occupancy or Alienated Holding.

The occupancy or alienated holding for which arrear is due may be forfeited.

159. The Deputy Commissioner may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due to be forfeited to Government, and sell or otherwise dispose of the same under the provisions of sections 54 and 55, and credit the proceeds, if any, to the defaulter's accounts.

Sale of Defaulter's Property.

Distraint and sale of defaulter's moveable property. By whom to be made.

160. The Deputy Commissioner may also cause the defaulter's moveable property to be distrained and sold. Such distraint shall be made by such officers or class of officers as the Government may, from time to time, direct.

Sale of defaulter's immoveable property.

161. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immoveable property, other than the land on which the arrear is due, to be sold.

Exemption from distraint and sale.

162. All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree, shall also be exempt from distraint or sale under either of the last two preceding sections.

The Deputy Commissioner's decision as to what property is so entitled to exemption shall be final.

Arrest and Imprisonment.

Arrest and detention of defaulter.

163. At any time after an arrear becomes due, and after a written notice of demand under section 158 has been served without effect, if the Deputy Commissioner shall have reason to believe that the defaulter is wilfully withholding payment of the arrears or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to arrest and detain the defaulter in custody for ten days in the office of the Deputy Commissioner or of an Amildar or Deputy Amildar, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, and the cost of his subsistence during detention is sooner paid.

Imprisonment in Civil Jail.

If, on the expiry of ten days, the amount due by the defaulter is not paid, then, or, if the Deputy Commissioner deem fit, on any earlier day, he may be sent by the Deputy Commissioner with a

warrant, in the form of Schedule C, for imprisonment in the civil jail of the district:

Provided as follows:— Proviso.

1*stly*, that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter; Duration of defaulter's custody.

2*ndly*, that no minor, lunatic, idiot or female shall be liable to be arrested under this section; Exemption of minor, lunatic, idiot and female.

3*rdly*, that the Government may, by special or general order, exempt particular places or individuals from the provisions of this section during such time as may be specified in such order, and it may from time to time cancel such order. Power to Government to exempt particular places or individuals.

164. The Government may, from time to time, declare by what officers, or class of officers, the powers of arrest conferred by section 163 may be exercised, and also fix the costs of arrest and the amount of subsistence money to be paid by Government to any defaulter under detention or imprisonment. Power of arrest by whom to be exercised.

Attachment of Villages.

165. If the holding in respect of which an arrear is due consists of an entire village or of a share of a village, and the adoption of any of the other processes before specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the Government, cause such village or share of a village to be attached, and taken under the management of himself or any agent or officer whom he appoints for that purpose. Power to attach defaulter's village, and take it under management.

166. The lands of any village or share of a village so attached shall revert to Government unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without any prejudice in other respects to the rights of individuals; Lands of such village to revert to Government free of incumbrances.

and the Deputy Commissioner, or the agent or officer so appointed, shall be entitled to manage the lands attached, and to receive all rents and profits accuring therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof. Deputy Commissioner or agent entitled to manage the lands attached.

167. All surplus profits of the lands attached, beyond the cost of such attachment and management, including the payment Application of surplus profits.

of the current revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 120 of this Regulation, shall be applied in defraying the said arrear.

Restoration of a village so attached.

168. The village or share of a village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder, on the said superior holder making an application to the Deputy Commissioner for that purpose at any time within twelve years from the 1st April next after the attachment, if at the time that such application is made it shall appear that the arrear has been liquidated, or if the said superior holder shall be willing to pay the balance, if any, still due by him, and shall do so within such period as the Deputy Commissioner may prescribe in that behalf.

Disposal of surplus receipts.

The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying all arrears and costs, but such surplus receipts, if any, of previous years shall be at the disposal of Government.

Village, &c, to vest in Government if not redeemed within twelve years.

169. If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him, within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title or in any wise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of Proceedings.

All processes to be stayed on security being given;

170. Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty, and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Deputy Commissioner or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge of such jail, security in the form of Schedule D, satisfactory to the Deputy Commissioner, or to such other person or officer.

Sections **171-173.**

And any person against whom proceedings are taken under this chapter may pay the amount claimed, under protest, to the officer taking such proceedings, and upon such payment the proceedings shall be stayed, and the person, if in custody, shall be forthwith set at liberty.

Or on the amount demanded being paid, under protest.

Procedure in respect of Sales.

171. When any sale of either moveable or immoveable property is ordered under the provisions of this chapter, the Deputy Commissioner shall issue a proclamation in Kanarese of the intended sale, specifying the time and place of sale, and in the case of moveable property, whether the sale is subject to confirmation or not, and, when land paying revenue to Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Procedure in effecting sales.

Such proclamation shall be made by beat of drum at the headquarters of the taluk, and in the village in which the immoveable property is situate, if the sale be of immoveable property; if the sale be of moveable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

Proclamation of sale.

172. A written notice of the intended sale of immoveable property, and of the time and place thereof, shall be affixed in each of the following places, *viz.*, the office of the Deputy Commissioner of the district, the office of the Amildar or Deputy Amildar of the taluk in which the immoveable property is situate, the *chavadi* or some other public building in the village in which it is situate, and the defaulter's dwelling place.

Notification of sale.

In the case of moveable property, the written notice shall be affixed in the Amildar's or Deputy Amildar's office, and in the *chavadi* or some other public building in the village in which such property was seized.

The Deputy Commissioner may also cause notice of any sale, whether of moveable or immoveable property, to be published in any other manner that he may deem fit.

173. Sales shall be made by auction by such persons as the Deputy Commissioner may direct.

Sales by whom to be made.

No such sale shall take place on a general holiday recognized by Government, nor until after the expiration of at least thirty days in the case of immoveable property, or seven days in the case of moveable property, from the latest date on which any of

Time when sale may be made.

the said notices shall have been affixed as required by the last preceding section.

Postponement of sale.

The sale may, from time to time, be postponed for any sufficient reason.

Sale of perishable articles.

174. Nothing in the last three sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may, from time to time, be made by the Deputy Commissioner either generally or specially in that behalf.

When sale may be stayed.

175. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold, and all other charges legally due by him, at any time before the property is knocked down, to the person appointed under section 152 to receive payment of the land revenue due, or to the officer appointed to conduct the sale, or if he furnish security under section 170, the sale shall be stayed.

Sales of moveable property when liable to confirmation.

176. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of moveable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed in orders to be made by the Deputy Commissioner either generally or specially in that behalf. In the case of sales made subject to confirmation, the Deputy Commissioner shall direct by whom such sales may be confirmed.

Mode of payment for moveable property when sale is concluded at once.

177. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Mode of payment for moveable property when sale is subject to confirmation.

178. When the sale of any moveable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or if the said day be an authorized holiday, then before sunset of the first office day after such day. On payment of such full amount

of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immoveable property.

179. In all cases of sale of immoveable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and, in default of such deposit, the property shall forthwith be again put up and sold.

Purchase money when to be paid.

180. The full amount of purchase money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immoveable property took place, or, if the said fifteenth day be an authorized holiday, then before sunset of the first office day after such fifteenth day.

Effect of default.

181. In default of payment within the prescribed period of the full amount of purchase money, whether of moveable or immoveable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Liability of purchaser for loss by resale.

182. If the proceeds of the sale which is eventually made be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

Notification before resale.

183. Every resale of property in default of payment of the purchase money, or after postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

Application to set aside sale.

184. At any time within thirty days from the date of the sale of immoveable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it; but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof.

If the application be allowed, the Deputy Commissioner shall set aside the sale, and direct a fresh one.

Order confirming or setting aside sale.

185. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and

rejected, the Deputy Commissioner shall make an order confirming the sale:

Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

Refund of deposit or purchase money when sale is set aside.

186. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money, as the case may be.

On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

187. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the land included in such occupancy or alienated holding, and shall cause his name to be entered in the revenue records as occupant or holder in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the occupancy or alienated holding to which the certificate refers.

Bar of suit against certified purchaser.

188. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser, and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed.

Application of proceeds of sale.

189. When any sale of moveable property under this chapter has become absolute, and when any sale of immoveable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale and recoverable as an arrear of land revenue;

and the surplus, if any, shall be paid to the person whose property has been sold.

Expense of sale how calculated.

The expense of the sale shall be estimated at such rates and according to such rules as may, from time to time, be sanctioned by Government

Surplus not to be paid to creditors except under order of court.

190. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

Liability of purchaser for revenue.

191. The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land revenue becoming due in respect of such land subsequently to the date of sale.

Sections 192-194.

Claims to attached moveable property how to be disposed of.

192. If any claim shall be set up by a third person to moveable property attached under the provisions of this chapter, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Application of the provisions of this Chapter.

What moneys leviable under the provisions of this chapter.

193. All sums due on account of the land revenue, all quit-rents, and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, costs and interest payable or leviable under this Regulation or under any Act, rule or order hereby repealed, or under any Act or Regulation for the time being in force relating to land revenue;

and all moneys due by any contractor for the farm of customs-duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties, to which any such contractor renders himself liable under the terms of his agreement;

and also all sums declared by this Regulation or by any other law at the time being in force to be leviable as assessment, or as a revenue demand, or as an arrear of land revenue, shall be levied under the foregoing provisions of this chapter.

Sureties liable as revenue defaulters.

And all persons who may have become sureties under any of the provisions of this Regulation, or of any Act, law, rule or order hereby repealed, or for any such contractor as aforesaid for any sum of money, shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security bond, be liable to be proceeded against under the provisions of this chapter as revenue defaulters.

On resumption of farm no payment to contractor in advance to be admitted.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payment which he may have made to the contractor in anticipation.

Power to Government to make rules as to advances made.

194. The Government may, from time to time, prescribe rules as to advances to be made to the holders of arable land for the relief of distress, the purchase of seed or cattle, or, any other purpose not specified in [a] the Land Improvement Loans Regulation, 1890, [a] but connected with agricultural objects.

[a-a] Substituted for "the Land Improvement Act, 1871," *vide* Regulation IV of 1890, s. 2 (2).

Every such advance shall, when it becomes due, be recoverable, with the interest, if any, accrued due thereon, from the person to whom such advance was made, or from any person who had become surety for the repayment thereof, as if it were an arrear of land revenue due by the person to whom the advance was made or by his surety.

CHAPTER XII.

PROCEDURE OF REVENUE OFFICERS.

Subordination of revenue officers.

195. In all official acts and proceedings, a revenue officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

Power to summon persons to give evidence and produce documents.

196. (1) Every revenue officer not lower in rank than a Deputy Amildar, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make.

A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

(2) Any person so summoned shall be bound to attend either in person or by an authorized agent as directed in the summons, and, when the summons directs the production of a document or thing, to cause its production.

Any person summoned merely to produce a document or other thing shall be deemed to have complied with the summons by causing the production of such document or thing instead of attending personally to produce the same.

(3) And all persons summoned to attend shall be bound to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required.

Witness may be examined on commission under certain circumstances.

197. When the person whose evidence may be required is unable from sickness or infirmity to attend before the officer issuing the summons, or is a person whom, by reason of rank or sex, it may not be proper to summon, the officer issuing the summons may, of his own motion or on the application of the party whose evidence is desired, dispense with the appearance of such person,

Sections 198-201.

and order him to be examined by a subordinate deputed by such officer for the purpose.

Summons to be in writing, signed and sealed.

198. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he have a seal, shall also bear his seal; it shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes.

How to be served.

It shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by leaving a copy of it with some adult member of his family residing with him, or by affixing a copy of it to some conspicuous part of his usual residence.

Service in District other than that of issue.

If his usual residence be in another district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with the preceding clause of this section.

Mode of serving notice.

199. Every notice under this Regulation, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served, or to his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

Procedure for procuring attendance of witnesses.

200. In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, section 160.

Formal Inquiry.

Mode of taking evidence in formal inquiries.

201. In all formal inquiries, the evidence shall be taken down in full, in writing, in Kanarese, by, or in the presence and hearing and under the personal superintendence and direction of, the officer making the investigation or inquiry, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the inquiry, he shall, as the examination of each witness proceeds, make a memorandum of the

substance of what such witness deposes, and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Taking evidence given in English. Translation to be on record.

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in Kanarese shall be made and shall form part of the record.

Writing and explanation of decisions.

202. Every decision, after a formal inquiry, shall be written by the officer passing the same in his own hand-writing, and shall contain a full statement of the grounds on which it is passed.

Summary Inquiry.

Summary inquiries how to be conducted.

203. In summary inquiries, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in Kanarese, embracing the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the same:

Proviso.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Regulation to be summary under all or any of the rules applicable to a formal inquiry, if he deem fit.

Formal and summary inquiries to be deemed judicial proceedings.

204. A formal or summary inquiry under this Regulation shall be deemed to be a "judicial proceeding" within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed a Civil Court for the purposes of such inquiry.

Hearing and decisions. Notice to parties.

Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorized agents shall have due notice to attend.

Ordinary inquiries how to be conducted.

205. An inquiry which this Regulation does not require to be either formal or summary, or which any revenue officer may, on any occasion, deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Government, or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Sections 206-209.

Copies and translations, &c., how to be obtained.

206. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders and the reasons therefor, and of exhibits, shall be furnished to the parties, and original documents used as evidence shall be restored to the persons who produced them or to persons claiming under them, on due application being made for the same, subject to such charges for copying, &c., as may, from time to time, be authorized by Government.

Arrest of defaulter to made upon warrant.

207. Whenever it is provided by this Regulation, that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power of revenue officer to enter upon any land or premises for purpose of measurement &c.

208. It shall be lawful for any revenue officer, at any time, and from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of the office under the provisions of this Regulation, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to Government or private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same:

Proviso.

Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry, and provided also that, in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Deputy Commisioner how to proceed in order to eviet any person wrongfully in possession of land.

209. Whenever it is provided by this Regulation, or by any other law for the time being in force, that the Deputy Commissioner may or shall evict any person wrongfully in possesion of land, such eviction shall be made in the following manner, *viz.* —

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land; and

if such notice is not obeyed, by removing, or deputing a subordinate to remove, any person who may refuse to vacate the same; and

if the officer removing any such person shall be resisted or obstructed by any person, the Deputy Commissioner shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and

that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person and, on his appearance, commit him to close custody in the office of the Deputy Commissioner or of any Amildar or Deputy Amildar, or send him with a warrant, in the form of Schedule H, for imprisonment in the civil jail of the district for such period, not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIII.

APPEALS AND REVISION.

Appeal to lie from any order passed by a revenue officer to his superior.

210. In the absence of any express provision of this Regulation or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue officer under this Regulation, or any other law for the time being in force, to that officer's immediate superior authority, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

Periods within which appeals must be brought.

211. No appeal shall be brought after the expiration of thirty days if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner or a Superintendent of Survey in their respective departments, nor after the expiration of ninety days in any other case.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

Admission of appeal after period of limitation.

212. Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the authority to which he appeals that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order passed under this section admitting an appeal.

Provision where last day for appeal falls on a holiday.

213. Whenever the last day of any period provided in this chapter for the presentation of an appeal falls on a holiday recognized by Government, the day next following the close of the holiday shall be deemed to be such last day.

Copy of order to accompany petition of appeal.

214. Every petition of appeal shall be accompanied by the decision or order appealed against, or by an authenticated copy of the same.

Sections 215-219.

Powers of appellate authority.

215. The appellate authority may either annul, reverse, modify or confirm the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or take such additional evidence as he may think necessary, or he may himself take such additional evidence.

Power to suspend execution of order of subordinate officer.

216. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer to be suspended.

Power to call for and examine the records and proceedings of subordinate officers.

217. The Government and any revenue officer not inferior in rank to a Deputy Commissioner, or a Superintendent of Survey, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any revenue officer subordinate to it or him, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held, namely—an Assistant Commissioner, an Amildar, a Deputy Amildar, an Assistant Superintendent of Survey and an Assistant Settlement Officer.

And to pass orders thereupon.

If, in any case, it shall appear to the Government or to such officer as aforesaid, that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or such officer may pass such order thereon as it or he deems fit.

Rules as to decisions or orders expressly made final.

218. Whenever in this Regulation it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order.

The Government alone shall be competent to modify, annul, or reverse, any such decision or order under the provisions of the last preceding section.

CHAPTER XIV.

Revenue Jurisdiction.

Interpretation clause.

219. In this chapter, unless there be something repugnant in the subject or context,—

'Land.'

"land" includes the sites of villages, towns and cities; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries and fisheries;

"Land revenue." "land revenue" means all sums and payments in money or in kind received or claimable by, or on behalf of, Government, from any person, on account of land held by, or vested in, him, and any cess or rate authorized by Government under the provisions of any law for the time being in force.

Saving of provisions of Pensions Act. **220.** Nothing in this chapter shall affect any of the provisions of Act XXIII of 1871 (The Pensions Act).

Bar of certain suits. **221.** Subject to the exceptions hereinafter appearing, and except as hereinbefore expressly provided, no Civil Court shall exercise jurisdiction as to any of the following matters :—

(*a*) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognized by Government or of any other village officer or servant; or

claims to perform the duties of any such officer or servant or in respect of any injury caused by exclusion from such office or service; or

suits to set aside or avoid any order relating to such office or service or such officer or servant, which may be passed by Government, or any officer duly authorized in that behalf; or

claims against Government relating to lands declared by Government, or any officer duly authorized in that behalf, to be held for any service whatsoever;

(*b*) objections—

to the amount or incidence of any assessment of land revenue authorized by Government, or to the mode of assessment, or to the principle on which such assessment is fixed; or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(*c*) claims connected with or arising out of any proceedings for the realization of land revenue, or the rendering of assistance by Government, or any officer duly authorized in that behalf, to superior holders for the recovery of their dues from inferior holders; or

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land revenue;

(*d*) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land revenue, or as superior holder, inferior holder, occupant or tenant; or

Section 221.

(2) to have any entry made in any record of a revenue survey or settlement; or

(3) to have any such entry either omitted or amended;

(*e*) the distribution of land or allotment of land revenue on partition of any estate under Bombay Act IV of 1868, or under this Regulation, or under any other law for the time being in force;

(*f*) claims against Government to hold land wholly or partially free from payment of land revenue; or

to receive payments charged on or payable out of the land revenue; or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force; or

respecting the occupation of waste or vacant land belonging to Government;

(*g*) claims regarding boundaries fixed under Bombay Act I of 1865 or under this Regulation, or under any other law for the time being in force;

or to set aside any order passed by a competent officer under any such law with regard to boundary marks.

Provided that if any person claim to hold land wholly or partially exempt from payment of land revenue under— Proviso.

(*h*) any enactment or rules having the force of law for the time being in force expressly creating an exemption not before existing in favor of an individual, or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*i*) any written grant from the Government expressly creating or confirming such exemption,

such claim shall be cognizable in the Civil Courts.

Illustrations to (*h*).

(1) It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

Section 222.

(2) It is enacted that land revenue shall not be leviable from any land held and entered in the land register as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him and is so entered in the land register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(3) It is enacted that the Deputy Commissioner shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(4) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favor of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

(5) It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favor of A by enactment, and he may seek relief in the Civil Court against over-assessment.

Saving of certain suits.

222. Nothing in the preceding section shall be held to prevent the Civil Courts from entertaining the following suits :—

(*a*) suits against Government to contest the amount claimed or paid under protest, or recovered as land revenue, on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had, previous to such claim, payment, or recovery, been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(*b*) suits between private parties for the purpose of establishing any private right although it may be affected by any entry in any record of a revenue survey or settlement, or in any village papers;

(*c*) suits between superior holders and inferior holders relating to matters not otherwise expressly provided for by this Regulation.

And nothing in clause (*g*) of the preceding section shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

Sections 223-226.

223. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done or ordered to be done by them as such, in pursuance of the provisions of any law for the time being in force. Bar of certain suits against revenue officers.

If any revenue officer absconds or does not attend when called on by his official superior, and if the Deputy Commissioner of the district proceeds against him or his sureties for public money, papers or property, according to the provisions of this Regulation, or of any law for the time being in force, such Deputy Commissioner shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

224. Nothing in any law for the time being in force, which authorizes the punishment departmentally of any revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer. Punishment or prosecution of revenue officer, no bar to civil remedies

225. No Civil Court shall entertain any suit against Government on account of any act or omission of any revenue officer, unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present. Suits not to be entertained unless plaintiff has exhausted right of appeal.

226. If, in the trial or investigation of any suit, claim or objection which, but for the provisions of this chapter, might have been tried or investigated by a Civil Court, or in any appeal against orders passed in such trial or investigation, there arises any question on which the Government, whether upon its own motion, or upon the recommendation of the Deputy Commissioner, or upon the application of the party interested, desires to have the decision of the Chief Court, the Government may cause a statement of the question to be prepared, and may refer such question for the decision of the Chief Court. Power of Government to refer questions for decision of Chief Court.

The Chief Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the Chief Court in person, or by their Advocates or Pleaders.

The Chief Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and the case shall be disposed of conformably to such decision.

If the Chief Court considers that any such statement is imperfectly framed, the Chief Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the Chief Court in each case directs.

Power of Civil Judge to refer questions of jurisdiction to Chief Court.

227. If, in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this chapter from taking cognizance of the suit or appeal, he may refer the matter to the Chief Court.

The Chief Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the Chief Court on any such reference shall be final.

Composition of Bench.

228. If the Chief Court consists of three or more Judges, every reference under section 226 or section 227 shall be heard by a Bench consisting of such number of Judges not less than three as the Chief Judge from time to time directs.

Reference of Government suits to District Judge.

229. No Munsiff, Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party; but in every such case, such Munsiff, Judge or Court shall refer the plaintiff to the District Judge in whose Court alone such suit shall be instituted.

Privileges of Government in suits defended by it.

230. Whenever any suit is brought in any District Court against Government, or against any revenue officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by a certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court, and the Court shall give effect to every such requirement.

The privilege conferred on the Government by this section shall *mutatis mutandis* apply to any appeal or second appeal against any decree in any such suit as is described in this section.

CHAPTER XV.

MISCELLANEOUS.

Applicability to *kayamgutta* villages of provisions relating to alienated villages.

231. All the provisions of this Regulation relating to alienated villages shall apply to *kayamgutta* villages, *i. e.*, villages held on an assessment permanently fixed.

Maps and land registers and village accounts, &c., open to inspection.

232. Subject to such rules and the payment of such fees as the Government may from time to time prescribe in this behalf, all maps and survey records, and all village accounts and land registers, shall be open to the inspection of the public at reasonable hours, and certified extracts from such maps, registers and accounts, or certified copies thereof, shall be given to all persons applying for the same.

Power of Government to frame rules.

233. The Government may, from time to time, make, and, from time to time, vary, or rescind, rules or orders not inconsistent with this Regulation—

(*a*) determining the qualifications to be required of all members of establishments appointed under section 20;

(*b*) regulating the power of fining, reducing, suspending and dismissing revenue officers under section 31;

(*c*) for the disposal of unoccupied Government lands under section 36;

(*d*) for the disposal of trees, not the property of the occupant, under section 41;

(*e*) prescribing the purposes to which land liable to the payment of land revenue may be appropriated under section 48;

(*f*) regulating the system and manner of assessing land to the land revenue under sections 50 and 111;

(*g*) for the disposal of forfeited occupancies or alienated holdings under section 54, and of relinquished holdings under section 71;

(*h*) regulating the grant of permission to occupy unoccupied land under section 58;

(*i*) fixing the maximum amount of fine leviable under section 59 when land, which has been unauthorizedly occupied, is appropriated to any non-agricultural purpose;

(*j*) for the disposal of the occupancy of alluvial land under section 61;

(*k*) for the administration of any survey settlement;

(*l*) for the disposal of building sites under section 135;

(*m*) prescribing the mode, form and manner in which appeals under chapter XIII of this Regulation shall be drawn up and presented;

(*n*) generally for the guidance of all persons in matters connected with the enforcement of this Regulation, or in cases not expressly provided for therein.

Rules or orders made under any of the above clauses (*e*), (*f*), (*g*), (*h*), (*i*), (*l*), or (*n*), may be made either generally or in any particular instance.

Certain rules to be published.

234. All general rules or orders made by the Government under the last preceding section shall be published, and when published shall, until cancelled or amended, have the force of law.

Power to provide for penalties.

235. It shall be lawful for the Government, in making any such general rule, to attach to the breach of it, in addition to any other consequences which would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment of either description within the meaning of the Indian Penal Code, or five hundred rupees fine, or both.

Chapters VIII to X how far applicable to alienated villages.

236. Save as is otherwise provided in section 120 and hereinafter in this section, the provisions of chapters VIII to X of this Regulation shall not be applied to any alienated or *kayamgutta* village except for the purposes of fixing the boundaries of any such village, or any quit-rent or any local or irrigation cesses payable by such village, and of determining any disputes relating thereto.

But the provisions of the said chapters shall be applicable to—

(*a*) all unalienated lands situated within the limits of an alienated village;

(*b*) villages of which a definite share is alienated, but of which the remaining share is unalienated;

(*c*) alienated villages, the holder of which are entitled to a certain amount of the revenue, but of which the excess, if any, above such amount, belongs to Government.

But it shall be lawful for the Government, on an application in writing being made by the holder of any alienated or *kayamgutta* village to that effect, to authorize the extension of all or any of the provisions of the said chapters to any such village.

Sections 237-239.

Occupants in alienated or *kayamgutta* villages.

237. When a survey settlement has been introduced, under the provisions of the last section or of any law for the time being in force, into an alienated or *kayamgutta* village, the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have, or are affected by, under the provisions of this Regulation, and all the provisions of this Regulation, relating to occupants and registered occupants shall be applicable, so far as may be, to them.

Construction of this Regulation.

238. Nothing in this Regulation which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land, or of Government in respect of any such land, and no presumption shall be deemed to arise either in favor, or to the prejudice, of any holder of alienated land from any provision of this Regulation in terms relating to unalienated land only.

Saving of power of Government to levy tax, cess or rate.

239. Nothing in this Regulation shall be deemed to affect the power of the Government to direct by law the levy of any tax, cess, or rate, on all lands under whatever title they may be held whenever and so long as the exigencies of the State may render such levy necessary.

Schedules.

SCHEDULE A.

(*Section* 2.)

1. Notification of the Government of India No. 83, dated Simla, the 30th April 1869, introducing into the territories of Mysore, Bombay Acts I of 1865, and IV of 1868.

2. Notification of the Government of India No. 254, dated 27th August 1869, applying to the territories of Mysore the provisions of Madras Act III of 1869.

3. Notification of the Government of India No. 123, dated the 26th June 1872, regarding the powers of Revenue Courts in the investigation of judicial cases.

4. Rules relating to recovery of rent by proprietors of *sarvamanyam*, *jodi* and *kayamgutta* villages, published with the late Chief Commissioner's Notification at page 87 of the *Mysore Gazette*, dated 1st May 1869, as altered by the late Chief Commissioner's Notification No. 180, dated the 3rd August 1871.

5. Notification of the late Commissioner relating to the rights of raiyats of Inam villages, dated 25th October 1843.

6. The late Commissioner's Circular Order No. 522-3, dated 8th June 1864.

SCHEDULE B.

FORM OF BOND TO BE REQUIRED UNDER SECTION 22.

Whereas I, inhabitant of , have been appointed to the office of and have been called upon to furnish security under the provisions of section 22 of the Mysore Land Revenue Regulation for the due discharge of the trusts of the said office or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office, I hereby bind myself to pay to the Government of Mysore the amount of any loss or defalcation in my accounts, and to deliver up any papers or other property within such time and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence, and in case of my making default therein I bind myself to forfeit to the Government of Mysore the sum of Rupees

Dated (Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We hereby declare ourselves sureties for the abovesaid that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore such sum as shall be deemed sufficient by the to cover any loss or damage which the Government may sustain by reason of such default.

Dated (Signature).

Schedules.

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 24 OR 163.

(Seal)

To

The Officer in charge of the Civil Jail at

Whereas *A. B.* of was on the day of 19 , ordered by to (*here state the substance of the demand made*); and whereas the said *A. B.* has neglected to comply with the said order, and it has therefore been directed, under the provisions of section 24 or 163 of the Mysore Land Revenue Regulation, that he be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of section 24 or 27 (*or section* 163 *or* 170 *as the case may be*) of the said Regulation; you are hereby required to receive the said *A. B.* into the Jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 18 .

(Signature.)

SCHEDULE D.

FORM OF BOND TO BE REQUIRED UNDER SECTION 27, 103 OR 170.

Whereas I, have been ordered by to (*here state the nature of the demand*) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that, in the event of a decree being passed against me, I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the above mentioned amount of Rupees (*or will deliver up the above mentioned papers or property as the case may be*), and in the case of my making default therein, I hereby bind myself to forfeit to the Government of Mysore the sum of Rupees.

Dated (Signature).

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We hereby declare ourselves securities for the above said that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore the sum of Rupees.

Dated (Signature.)

Schedules.

SCHEDULE E.

(*See section 80*)

I.—FORM OF NOTICE TO BE GIVEN BY LANDLORD TO TENANT TO QUIT.

To

A. B.

I do hereby give you notice that I do intend to enter upon, and take possession of, the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year, terminating on the of 18 ,

Dated this day of 18 .

(Signed) *C. D.*

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LANDLORD OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year, terminating on the of 18 , the land (*here give the description*) which I hold from you.

Dated this day of 18 .

(Signed) *A. B.*

SCHEDULE F.

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIENATED LANDS OR ALIENATED OR KAYAMGUTTA VILLAGES OR HIS AGENT UNDER SECTION 99.

(Seal)

The Government, by virtue of the powers vested in it by the Mysore Land Revenue Regulation, is pleased to confer on you (*Jahgirdar, &c., or agent, &c., as the case may be*), power to in (or in respect of) the villages and lands specified in this commission, in the manner prescribed in section 99 of the said Regulation.

The villages and lands over which the power thus conferred upon you extends, are as follows :—

(*Here enter the description*).

The within delegated power is vested in you during the pleasure and subject to the recall of the said Government of Mysore.

(Signed.)

Schedules.

SCHEDULE G.

(*See Section 137,*)

FORM OF SANNAD FOR BUILDING SITES.

(Seal)

THE GOVERNMENT of MYSORE,

To

Whereas the Government of Mysore, with a view to the settlement of the land revenue and the record and preservation of proprietary and other rights connected with the soil, has, under the provisions of the Mysore Land Revenue Regulation, directed a survey of the lands within the of and ordered the necessary inquiries connected therewith to be made, this Sannad is issued under section 137 of the said Regulation to the effect that—

There is a certain plot of ground occupied by you in the division of the of registered No. in the map marked sheet No. and facing towards the the road leading from to containing about square yards, and of the following shape and about the following dimensions :—

You are hereby confirmed in the occupancy of the above described ground, exempt from all land revenue (or subject to the payment of Rs. per annum to the land revenue).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the Government of Mysore without any objection or question as to title, to whosoever shall, from time to time, be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Mysore Land Revenue Regulation or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law, from time to time, in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

This Sannad is executed on behalf of the Government of Mysore by me this day of one thousand eight hundred and A. D.

(Signed)

SCHEDULE H.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 209.

(Seal)

To

The officer in charge of the Civil Jail at

Whereas *A. B.* of has resisted (or obstructed) *C. D.* in removing *E. F.* (or himself, that is the said *A. B.*) from certain land in the village of in the Taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction (or resistance), to commit the said *A. B.* to close custody; You are hereby required, under the provisions of section 209 of the Mysore Land Revenue Regulation, to receive the said *A. B.* into the Jail under your charge, and there to keep him in safe custody for days.

Dated this day of 188 .

(Signature)

Schedules.

SCHEDULE I.

(PARAGRAPH 2, SECTION 4.)

Section of the Mysore Revenue Code.	Powers which Government may confer upon Revenue Commissioner or other officer.
Section 8, para 2.	Power to hear appeals from the decision or order of such Assistant Commissioner as may be placed in charge of the revenue administration of one or more Taluks in a District.
Do 12 ..	Power to issue general orders regarding an Amildar or Deputy Amildar employing any of his subordinates to perform any portion of his ministerial duties.
Do 14 ...	Power to issue general orders for the appointment by Deputy Commissioner of stipendiary Patel or Village Accountant in villages where no hereditary Patel or Village Accountant exists.
Do 15 ...	Power to prescribe what Registers, Accounts and other Records shall be kept by the Village Accountant.
Do 20 ...	Power to confirm appointments of Taluk Sheristadars and all other appointments the monthly salary of which exceeds Rs. 40.
Do 32 ...	Power to hear appeals from orders fining, reducing, suspending or dismissing Taluk Sheristadars or other officers on salaries exceeding Rs. 40 a month.
Do 36 ...	Power to order the disposal of public roads, &c., the property of Government.
Do 39 ...	Power to set apart Government lands for free pasturage for the village cattle, for forest preserves, &c.
	Power to sanction the appropriation or assignment for other purposes of lands so set apart.
Do 40 ..	Power to prescribe general rules for regulating the right of grazing on free pasturage lands.
Do 109 ...	Power to authorize specially or generally survey numbers being made of less extent than the minima fixed by this section.
Do 150 ...	Power to issue orders regarding the deposit or payment of the surplus profits of an attached village or portion of a village.

Schedules.

Section of the Mysore Revenue Code.	Powers which Government may confer upon Revenue Commissioner or other officer.
Section 153 ...	Power to make rules for the issue of notices of demand. Power to make rules fixing the costs recoverable from defaulters and directing what officers shall issue notices of demand.
Do 160 ...	Power to direct what officers or class of officers shall distrain moveable property of defaulters.
Do 164 ...	Power to declare, from time to time, what officers or class of officers shall exercise powers of arrest and also to fix the costs of arrest and the amount of substance money.
Do 165 ...	Power to sanction the attachment and Government management of an entire village or share of a village when it is considered inexpedient to resort to any other means of recovering the arrears due therein.
Do 189 ...	Power to prescribe rates and rules for estimating the expenses of sale.

REGULATION No. I OF 1890.

(PASSED ON THE 6TH DAY OF MAY 1890.)

A Regulation to amend the Municipal Regulations of 1871 in force in the cities of Bangalore and Mysore.

WHEREAS it is expedient to amend the Municipal Regulations of 1871, being a Code of Regulations published in* the Notification of His Excellency the Viceroy and Governor General of India in Council No. 51 J, dated the 31st March 1871, and amended by the Notification of the Dewan of Mysore No. 108, dated the 6th April 1883, and extended to the City of Mysore by Regulation III of 1888; His Highness the Maharaja has been pleased to enact as follows:—

1. For section 11 of the aforesaid Municipal Regulations the following shall be substituted, namely:—

"11. (1) The Government of His Highness the Maharaja may, from time to time, appoint an officer to be styled 'President of the Municipal Commissioners for the Town of Bangalore,' who shall hold his office of such President in combination with other duties, if any, to which he may be appointed by the said Government, who shall be removable from his office at the pleasure of the said Government and who may receive such allowances out of the Municipal Funds to be raised under these Regulations and in such proportion from each fund as may, from time to time, be fixed by the said Government. Provided that if no President as aforesaid be appointed, the Deputy Commissioner of Bangalore for the time being shall *ex officio* be President of the Municipal Commissioners for the Town of Bangalore.

"(2) The Government of His Highness the Maharaja may, from time to time, appoint an officer to be styled 'Vice-President of the Municipal Commissioners for the Town of Bangalore.'

"(3) The entire executive power and responsibility for the purposes of these Regulations shall be vested in the President, and in his absence, or under his control, and in accordance with his orders, in the Vice-President. All executive acts which are hereinafter directed to be done by the Municipal Commissioners shall, unless the contrary intention appears from the context, be done by the said President or Vice-President. Provided that nothing contained in this section shall be taken to prevent any act of the said President or Vice-President being overruled by the Municipal Commissioners present at any meeting."

2. The section substituted by the preceding section for section 11 of the aforesaid Municipal Regulations, shall be read as part of the aforesaid Municipal Regulations in force in the City of Mysore under Regulation III of 1888.

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* *Sic.*

REGULATION No. II OF 1890.

(PASSED ON THE 13TH DAY OF JUNE 1890.)

A Regulation to amend the Mysore Chief Court Regulation, I of 1884.

WHEREAS it is expedient to amend the Mysore Chief Court Regulation, 1884, in certain respects, His Highness the Maharaja is pleased to enact that the following shall be substituted for sections 12, 13, 14, 15 and 16 of the said Regulation :—

Ordinary original civil and criminal jurisdiction of Chief Court.

"12. (1) The Government of Mysore may, whenever it deems fit, confer upon the Chief Court, by notification in the official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the said Government may, from time to time, declare and appoint in that behalf.

"(2) The said Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the Chief Court under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

"(3) The local limits within which ordinary original civil jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure.

"(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a Sessions Division within the meaning of the Code of Criminal Procedure.

"(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under "The Mysore Civil Courts Regulation, 1883."

"(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure."

Appeals, &c. from decisions of Chief Court in exercise of original jurisdiction.

"13. Appeals against, references regarding, and applications for revision of, judgments, decrees, orders, or sentences passed by a Judge of the Chief Court, in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12, or vested in it under any law for the time being in force, shall, when allowed by law, be heard either by a Bench consisting of two other Judges of the Chief Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the official Gazette, from time to time, direct. When there arises a difference of opinion between the two Judges composing a Bench hearing any appeal, reference or application under this section, the decision shall, notwithstanding anything contained in section 15 of this Regulation, or section 575 of the Code of Civil Procedure, or section 429 of the Code of Criminal Procedure, follow the original judgment, decree, order or sentence."

Chief Court's jurisdiction to hear and decide appeals from judgments, &c., of subordinate Courts.

"14. (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the said Government may from time to time declare and appoint, confer upon the Chief Court, by notification published in the official Gazette, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, fromjudgments, orders, decrees, or sentences, passed by any subordinate Court, civil or criminal, within the local limits aforesaid.

"(2). During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the Chief Court shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily vest, except as regards cases of appeals which may be transferred by the Chief Court for hearing and disposal by such District Court or Court of Session.

"(3) The Government of Mysore may, whenever it deems fit, by notification published in the official Gazette, withdraw any appellate jurisdiction conferred upon the Chief Court under this section."

Appeals other than those under section 13 to be heard by a Bench of Judges.

"15. (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the Chief Court under any law for the time being in force, as well as all cases referred to the Chief Court for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court.

"(2) Any Bench of Judges of the Chief Court may refer to a full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility

Section 1.

of any evidence in any proceeding pending before it, on which there is no further appeal under the law for the time being in force.

"(3) The decision of the majority of Judges comprising any Full Bench of the Chief Court or other Bench of the said Court consisting of not less than three Judges shall be the decision of the Chief Court. When a Bench of the Chief Court consists of only two Judges and there is a difference of opinion between such Judges on any material question pending before it, such question shall be referred to a Full Bench, and the decision of the majority of Judges on such Full Bench, shall be the decision of the Chief Court."

Power of Chief Court to transfer cases pending before it.

"16. The Chief Court may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Regulation."

REGULATION No. III OF 1890.

(PASSED ON THE 10TH DAY OF NOVEMBER 1890.)

A Regulation to declare the imperial standard Yard for the United Kingdom to be the legal standard Measure of Length in the territories of Mysore.

WHEREAS it is expedient to declare the imperial standard yard for the United Kingdom to be the legal standard measure of length in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:—

Title. **1.** (1) This Regulation may be called the "Measures of Length Regulation, 1890."

Extent and (2) It extends to the whole of the territories of Mysore; and

Commencement. * (3) It shall come into force on such date as the Government of Mysore may, by notification in the official Gazette, appoint in this behalf.

Standard yard. **2.** The imperial standard yard for the United Kingdom shall be the legal standard measure of length in the territories of Mysore and be called the standard yard.

Measure for determining length of standard yard. **3.** A copy, approved by His Highness the Maharaja, of the imperial standard for determining the length of the imperial standard yard for the United Kingdom, shall be kept in such place within the limits of the Town of Mysore as His Highness the Maharaja may prescribe, and shall be the standard for determining the length of the standard yard.

Standard foot and inch. **4.** One-third part of the standard yard shall be called a standard foot, and one thirty-sixth part of such a yard shall be called a standard inch.

Presumption in favor of accuracy of certified measures. **5.** Any measure having stamped thereon or affixed thereto a certificate purporting to be made under the authority of the Government of Mysore and stating that the measure is of the length of the standard yard or that a measure marked thereon as a foot or inch is of the length of the standard foot or standard inch as the case may be, shall, when produced before any court by any public servant having charge of the measure in pursuance of any direction published in the official Gazette by order of the Govern-

* This Regulation came into force on the 10th April 1893, *vide* Legislative Department Notification No. 1, dated the 15th April 1893, printed at page 214, Part I, Mysore Gazette, 1893.

Sections 6-7.

ment of Mysore, or by any person acting under the general or special authority of such a public servant, be deemed to be correct until its inaccuracy is proved.

Inspection of certified measures by the public.

6. A public servant having in pursuance of such a direction charge of such a measure as is mentioned in the last foregoing section shall allow any person to inspect it free of charge at all reasonable times and to compare therewith or with any measure marked thereon any measure which such person may have in his possession.

Certified measures to be kept by the District Magistrate.

7. There shall be kept by the District Magistrate of each District such certified measures of the standard yard, standard foot and standard inch as are mentioned in section 5.

REGULATION No. VI OF 1890.

(PASSED ON THE 10TH DAY OF NOVEMBER 1890.)

A Regulation to consolidate and amend the law relating to Loans of Money by the Government of Mysore for Agricultural Improvements.

WHEREAS it is expedient to consolidate and amend the law relating to loans of money by the Government of Mysore for agricultural improvements; His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the "Land Improvement Loans Regulation, 1890."

Local extent.

(2) It extends to the whole of the territories of Mysore; and

Commencement.

[a] (3) It shall come into force on the date of the passing thereof.

Acts XXVI of 1871 and XXI of 1876 repealed.

2. (1) The Land Improvement Act, 1871, and Act XXI of 1876 (An Act to amend the Land Improvement Act, 1871), shall, except as regards the recovery of advances made before this Regulation comes into force and costs incurred by the Government of Mysore in respect of such advances, be repealed.

(2) When, in any Act or notification, passed or issued before this Regulation comes into force, reference is made to either of those Acts, the reference shall, so far as may be practicable, be read as applying to this Regulation or the corresponding part of this Regulation.

"Deputy Commissioner" defined.

3. In this Regulation "Deputy Commissioner" includes any officer empowered by the Government of Mysore by name or by virtue of his office to discharge the functions of a Deputy Commissioner under this Regulation.

Purposes for which loans may be granted under this Regulation.

4. Subject to such rules as may be made under section 10, loans may be granted under this Regulation, by such officer as may, from time to time, be empowered in this behalf by the Government of Mysore, for the purpose of making any improvement, to any person having a right to make that improvement, or, with the consent of that person, to any other person.

(2) "Improvement" means any work which adds to the letting value of land, and includes the following, namely:—

(*a*) the construction and repair of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;

[a-a] This clause was substituted for the original clause (3) by Regulation I of 1901.

Sections 5-6.

(*b*) the preparation of land for irrigation or cultivation;

(*c*) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is culturable;

(*d*) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;

(*e*) the renewal or re-construction of any of the foregoing works or alterations therein or additions thereto; and

(*f*) such other works as the Government of Mysore may, from time to time, by notification in the official Gazette, declare to be improvements for the purposes of this Regulation.

Mode of dealing with applications for loans.

5. (1) When an application for a loan is made under this Regulation, the officer to whom the application is made may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice, in such manner as the Government of Mysore may, from time to time, direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein and submit their objections.

(2) The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or overruling it:

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.

Period for repayment of loans.

6. (1) Every loan granted under this Regulation shall be made repayable in such manner and at such time as the Government may prescribe, or by instalments (in the form of an annuity or otherwise), within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments, [a] from the date of the advance of the last instalment actually paid, [a]as may, from time to time, be fixed by the rules made under this Regulation.

(2) The period fixed as aforesaid shall not ordinarily exceed thirty-five years.

[a-a] These words in section 6 sub-section (1) were substituted for the original words by Regulation V of 1899, s. 2.

(3) the Government of Mysore, in making the rules fixing the period, shall, in considering whether the period should extend to thirty-five years or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.

Recovery of loans.

7. (1) Subject to such rules as may be made under section 10, all loans granted under this Regulation, all interest (if any) chargeable thereon, and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Deputy Commissioner in all or any of the following modes, namely:—

(*a*) from the borrower as if they were arrears of land-revenue due by him;

(*b*) from his surety (if any) as if they were arrears of land-revenue due by him;

(*c*) out of the land for the benefit of which the loan has been granted, as if they were arrears of land-revenue due in respect of that land;

(*d*) out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due:

Provided that no proceeding in respect of any land under clause (*c*) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) When any sum due on account of any such loan, interest or costs is paid to the Deputy Commissioner by a surety or an owner of property comprised in any collateral security or is recovered under sub-section (1) by the Deputy Commissioner from a surety or out of any such property, the Deputy Commissioner shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by sub-section (1).

Sections 8-10.

(3) It shall be in the discretion of a Deputy Commissioner acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

Order granting loan conclusive on certain points.

8. A written order under the hand of an officer empowered to make loans under this Regulation granting a loan to, or with the consent of, a person mentioned therein, for the purpose of carrying out a work described therein, for the benefit of land specified therein, shall for the purposes of this Regulation, be conclusive evidence—

(*a*) that the work described is an improvement within the meaning of this Regulation;

(*b*) that the person mentioned had at the date of the order a right to make such an improvement; and

(*c*) that the improvement is one benefiting the land specified.

Liability of joint borrowers as among themselves.

9. When a loan is made under this Regulation to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government of Mysore for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute:—

Power to make rules.

10. The Government of Mysore may, from time to time, by notification in the official Gazette, make rules consistant with this Regulation to provide for the following matters, namely;

(*a*) the manner of making applications for loans;

(*b*) the officers by whom loans may be granted;

(*c*) the manner of conducting inquiries relative to applications for loans, and the powers to be exercised by officers conducting those inquiries;

(*d*) the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;

(*e*) the inspection of works for which loans have been granted;

(*f*) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof shall be paid;

Sections 11-12.

(*g*) the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and

(*h*) all other matters pertaining to the working of the Regulation.

Exemption of improvements from assessment to land-revenue.

11. When land is improved with the aid of a loan granted under this Regulation, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land:

Provided as follows:—

(1) where the improvement consists of the reclamation of waste land, or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rule to be framed by the Government of Mysore;

(2) nothing in this section shall entitle any person to call in question any assessment of land-revenue otherwise than as it might have been called in question if this Regulation had not been passed.

Act III of 1877 amended.

12. (1) In the Indian Registration Act, 1877, section 17, clause (*l*), for the word "certificates" the words "orders granting loans" shall be substituted.

(2) In the same Act, section 58, for the words "a certificate" the words "an order" shall be substituted.

(3) In the same Act, section 89, first clause,

(*a*) for the words "a certificate" the words "a loan," and

(*b*) for the words "such certificate" the words "his order" shall be substitued.

REGULATION No. VI OF 1890.

(PASSED ON THE 5TH DAY OF DECEMBER 1890.)

A Regulation to consolidate and amend the law relating to Arms, Ammunition and Military Stores.

Whereas it is expedient to consolidate and amend the law relating to arms, ammunition and military stores; His Highness the Maharaja is pleased to enact as follows:— Preamble.

I. Preliminary.

1. This Regulation may be called "The Mysore Arms Regulation, 1890," and it extends to the whole of the territories of Mysore. Short title. Local extent.

But nothing herein contained shall apply to the manufacture, conversion, sale, transport, bearing or possession of arms, ammunition or military stores by order of the Government, or by a public servant or a volunteer enrolled under the Indian Volunteer's Act, 1869, in the course of his duty as such public servant or volunteer. Savings.

2. This Regulation shall come into force at once. Commencement.

3. Act No. XI of 1878 (the Indian Arms Act, 1878) shall be repealed. Repeal of enactments.

But all authorities and permissions given, licenses and exemptions granted, orders and appointments made, notifications published, and rules, conditions, and forms prescribed under that Act shall be deemed to be respectively given, granted, made, published and prescribed under this Regulation.

And all such authorities, permissions, licenses and exemptions shall, except as otherwise provided by this Regulation, continue in force for the periods for which they may have been given or granted respectively, or where no such period is expressly fixed, for one year from the date on which this Regulation comes into force, and shall then cease to have effect.

4. In this Regulation unless there be something repugnant in the subject or context— Interpretation-clause.

"Cannon" includes also all howitzers, mortars, wall pieces, mitrailleuses and other ordnance and machine-guns, all parts of the same, and all carriages, platforms, and appliances for mounting, transporting and serving the same:

"Arms" includes fire-arms, bayonets, swords, daggers, spears, spear-heads and bows and arrows, also cannon and parts of arms, and machinery for manufacturing arms:

Sections 5-7.

"Ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, guncotton, dynamite, lithofracteur and other explosive or fulminating material, gunflints, gunwads, percussion caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpetre:

"Military stores" in any section of this Regulation as applied to any part of the territories of Mysore means any military stores to which the Government of Mysore may from time to time, by notification in the official Gazette specially extend such section in such part, and includes also all lead, sulphur, saltpetre and other material to which the Government of Mysore may from time to time so extend such section:

"License" means a license granted under this Regulation, and "licensed" means holding such license.

II. Manufacture, Conversion, Sale and Transport.

Unlicensed manufacture, conversion and sale prohibited.

5. No person shall manufacture, convert, or sell, or keep, offer or expose for sale, any arms, ammunition or military stores except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 22 of this Regulation shall, without unnecessary delay, give to the Magistrate of the district or to the officer in charge of the nearest Police station notice of the sale and of the purchaser's name and address.

Power to prohibit transport.

6. The Government of Mysore may from time to time, by notification in the official Gazette—

(*a*) regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the territories of Mysore or any part thereof, either altogether or except under a license and to the extent and in the manner permitted by such license, and

(*b*) cancel any such notification.

Arrest of persons conveying arms, &c., under suspicious circumstances.

7. When any person is found carrying or conveying any arms, ammunition or military stores, whether covered by a license or not, in such manner or under such circumstances as to afford

Sections 8-11.

just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any person may without warrant apprehend him and take such arms, ammunition or military stores from him.

Any person so apprehended and any arms, ammunition or military stores so taken by a person not being a Magistrate or Police officer shall be delivered over as soon as possible to a Police officer.

Procedure where arrest made by person not a Magistrate or a Police officer.

All persons apprehended by, or delivered to, a Police officer and all arms and ammunition seized by, or delivered to, any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

III. Going armed and possessing arms, &c.

8. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Prohibition of going armed without license.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

9. No person shall have in his possession or under his control any cannon or fire-arms or any ammunition or military stores except under a license and in the manner and to the extent permitted thereby.

Unlicensed possession of fire-arms, &c.

10. In any place to which the Government of Mysore may, by notification in the official Gazette, specially extend this section, no person shall have in his possession any arms of any description except under a license and in the manner and to the extent permitted thereby.

Possession of arms of any description without license prohibited in certain places.

11. Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license or by the issue of a notification under section 10, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest Police station.

Arms of which possession has become unlawful to be deposited at Police station.

If the owner of any thing deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to His Highness the Maharaja of Mysore.

Sections 12-13.

IV. Licenses.

Power to make rules as to licenses.

12. The Government of Mysore may from time to time, by notification in the official Gazette, make rules to determine the officers by whom, the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules among other matters—

(*a*) fix the period for which such license shall continue in force;

(*b*) fix a fee payable by stamp or otherwise in respect of any such license granted other than a license for possession;

(*c*) direct that the holder of any such license other than a license for possession shall keep a record or account, in such form as the Government of Mysore may prescribe, of anything done under such license, and exhibit such record or account when called upon by an officer of Government to do so;

(*d*) empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a license of the description referred to in section 5;

(*e*) direct that any such person shall exhibit the entire stock of arms, ammunition and military stores in his possession or under his control to any officer of Government so empowered; and

(*f*) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or military stores covered by the same when called upon by an officer of Government so to do.

Cancelling and suspension of license.

13. Any license may be cancelled or suspended—

(*a*) by the officer by whom the same was granted, or by any authority to which he may be subordinate, or by any Magistrate of a District within the local limits of whose jurisdiction the holder of such license may be, when, for reasons to be recorded in writing, such officer, authority or Magistrate deems it necessary for the security of the public peace to cancel or suspend such license; or

(*b*) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Regulation, or against the rules made under this Regulation; and

the Government of Mysore may at its discretion, by a notification in the official Gazette, cancel or suspend all or any licenses throughout the whole or any portion of the territories of Mysore.

Sections 14-17.

V. Penalties.

For breach of sections 5, 6 and 8 to 12.

14. Whoever commits any of the following offences, (namely)—

(*a*) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5;

(*b*) fails to give notice as required by the same section;

(*c*) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 6;

(*d*) goes armed in contravention of the provisions of section 8;

(*e*) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 9 or section 10;

(*f*) intentionally makes any false entry in a record or account which, by a rule made under section 12, clause (*c*), he is required to keep;

(*g*) intentionally fails to exhibit anything which, by a rule made under section 12, clause (*c*), he is required to exhibit; or

(*h*) fails to deposit arms, ammunition or military stores, as required by section 11,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

For secret breaches of sections 5, 6, 9 and 10.

15. Whoever does any act mentioned in clause (*a*), (*c*) or (*e*) of section 14, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a Railway or to the servant of any public carrier,

and whoever, on any search being made under section 20, conceals or attempts to conceal any arms, ammunition or military stores,

For concealing arms, &c.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

For breach of license.

16. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 14 or section 15, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

For knowingly purchasing arms, &c., from unlicensed person.

17. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same; or

For delivering arms, &c., to person not authorized to possess them.

delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for breach of rule.

18. Any person violating any rule made under this Regulation, and for the violation of which no penalty is provided by this Regulation, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Power to confiscate.

19. When any person is convicted of an offence punishable under this Regulation committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

VI. Miscellaneous.

Search and seizure by Magistrate.

20. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose,

or that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person, or in which such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate or by or in the presence of some officer specially empowered in this behalf by name or in virtue of his office by the Government of Mysore.

Seizure and detention by Government.

21. The Government of Mysore may at any time order or cause to be seized any arms, ammunition or military stores in the

possession of any person notwithstanding that such person is licensed to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

Power to exempt.

22. The Government of Mysore may from time to time, by notification published in the official Gazette,—

(*a*) exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, or withdraw any part of the territories of Mysore from the operation of any prohibition or direction contained in this Regulation; and

(*b*) cancel any such notification and again subject the persons or things or the part of the territories of Mysore comprised therein to the operation of such prohibition or direction.

Information to be given regarding offences.

23. Every person aware of the commission of any offence punishable under this Regulation shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest Police officer or Magistrate, and

every person employed upon any Railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest Police officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Regulation has been or is being committed.

Sanction required to certain proceedings under section 14, clause (*e*).

24. Where an offence punishable under section 14, clause (*e*), has been committed in any part of the territories of Mysore, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the District.

Searches in the case of offences against section 14, clause (*e*), how conducted.

25. Where a search is to be made under the Code of Criminal Procedure in the course of any proceedings instituted in respect of an offence punishable under section 14, clause (*e*), such search shall, notwithstanding anything contained in the said Code, be made in the presence of some officer specially appointed by name or in virtue of his office by the Government of Mysore in this behalf, and not otherwise.

Operation of other laws not barred.

26. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation

or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation :

Provided that no person shall be punished twice for the same offence.

Power to take census of fire-arms.

27. The Government of Mysore may from time to time, by notification in the official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Notice and limitation of proceedings.

28. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Regulation, without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

REGULATION No. I OF 1891.

(PASSED ON THE 23RD DAY OF JUNE 1891.)

***A Regulation to amend the Mysore Land Revenue Code*, 1888.**

Whereas it is expedient to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

1. In section 53 of the said Code after the words "by Government," the words "or by a private person acting under the written authority of Government" shall be added.

REGULATION No. I OF 1892.

(PASSED ON THE 22ND DAY OF APRIL 1892.)

A Regulation to amend the Law relating to Fraudulent Marks on Merchandise.

Whereas it is expedient to amend the law relating to fraudulent marks on merchandise; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Mysore Merchandise Marks Regulation, 1892.

(2) It extends to the whole of the territories of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "trade mark" has the meaning assigned to that expression in section 478 of the Indian Penal Code as amended by this Regulation:

(2) "trade description" means any description, statement or other indication, direct or indirect,—

(*a*) as to the number, quantity, measure, gauge or weight of any goods, or

(*b*) as to the place or country in which, or the time at which, any goods were made or produced, or

(*c*) as to the mode of manufacturing or producing any goods, or

(*d*) as to the material of which any goods are composed, or

(*e*) as to any goods being the subject of an existing patent, privilege or copyright;

and the use of any numeral, word or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Regulation:

(3) "false trade description" means a trade description which is untrue in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description untrue in a material respect, and the fact that a trade description is a trade mark shall not prevent such trade description being a false trade description within the meaning of this Regulation:

Section 3.

(4) "goods" means anything which is the subject of trade or manufacture: and

(5) "name" includes any abbreviation of a name.

Amendment of the Indian Penal Code.

Substitution of new sections for sections 478 to 489 of the Indian Penal Code.

3. For that part of Chapter XVIII of the Indian Penal Code which relates to Trade and Property Marks, the following shall be substituted, namely:—

"*Of Trade, Property and other Marks.*

Trade mark.

"478. A mark used for denoting that goods are the manufacture or merchandise of a particular person is called a trade mark.

Property mark.

"479. A mark used for denoting that moveable property belongs to a particular person is called a property mark.

Using a false trade mark.

"480. Whoever marks any goods, or any case, package or other receptacle containing goods, or uses any case, package or other receptacle with any mark thereon, in a manner reasonably calculated to cause it to be believed that the goods so marked, or any goods contained in any such receptacle so marked are the manufacture or merchandise of a person whose manufacture or merchandise they are not, is said to use a false trade mark.

Using a false property mark

"481. Whoever marks any moveable property or goods or any case, package or other receptacle containing moveable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

Punishment for using a false trade mark or property mark.

"482. Whoever uses any false trade mark or any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a trade mark or property mark used by another.

"483. Whoever counterfeits any trade mark or property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a mark used by a public servant.

"484. Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person

or at a particular time or place or that the property is of a particular quality or has passed through a particular office or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or possession of any instrument for counterfeiting a trade mark or property mark.

"485. Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, or has in his possession a trade mark or property mark for the purpose of denoting that any goods or the manufacture or merchandise of a person whose manufacture or merchandise they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Selling goods marked with a counterfeit trade mark or property mark

"486. Whoever sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark or property mark affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves—

(*a*) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, and

(*b*) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(*c*) that otherwise he had acted innocently,

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Making a false mark upon any receptacle containing goods.

"487. Whoever makes any false mark upon any case, package or other receptacle containing goods in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for making use of any such false mark.

"488. Whoever makes use of any such false mark in any manner prohibited by the last foregoing section shall, unless he

Sections 4-5.

proves that he acted without intent to defraud be punished as if he had committed an offence against that section.

"489. Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both." Tampering with property mark with intent to cause injury.

Trade Description.

4. (1) The provisions of this Regulation respecting the application of a false trade description to goods or respecting goods to which a false trade description is applied, shall extend to the application to goods of any such numerals, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are or is reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are, and to goods having such numerals, words or marks, or arrangement or combination, applied thereto. Provisions supplemental to the definition of false trade description.

(2) The provisions of this Regulation respecting the application of a false trade description to goods, or respecting goods, to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods any name or initials—

(*a*) not being a trade mark, or part of a trade mark, and

(*b*) being identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description and not having authorized the use of such name or initials.

(3) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches is a false trade description.

5. (1) A person shall be deemed to apply a trade description to goods who— Application of trade descriptions.

(*a*) applies it to the goods themselves, or

(*b*) applies it to any covering, label, reel or other thing in or with which the goods are sold or are exposed or had in possession for sale or any purpose of trade or manufacture, or

(*c*) places, encloses or annexes any goods which are sold, or are exposed or had in possession for sale or any purpose of trade or manufacture, in, with or to any covering, label, reel or other thing to which a trade description has been applied, or

(*d*) uses a trade description in any manner reasonably calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade description.

(2) A trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into or annexed or affixed to the goods or any covering, label, reel or other thing.

(3) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

Penalty for applying a false trade description.

6. If a person applies a false trade description to goods, he shall, subject to the provisions of this Regulation, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in the case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

Penalty for selling goods to which a false trade description is applied.

7. If a person sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, he shall, unless he proves—

(*a*) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade description, and

(*b*) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(*c*) that otherwise he had acted innocently,

be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

Sections 8-9.

Unintentional Contravention of the Law relating to Marks and Descriptions.

Unintentional contravention of the law relating to marks and descriptions.

8. Where a person is accused under section 482 of the Indian Penal Code of using a false trade mark or property mark by reason of his having applied a mark to any goods, property or receptacle in the manner mentioned in section 480 or section 481 of that Code, as the case may be, or under section 6 of this Regulation of applying to goods any false trade description, or under section 485 of the Indian Penal Code of making any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, and proves—

(*a*) that in the ordinary course of his business he is employed, on behalf of other persons, to apply trade marks or property marks, or trade descriptions, or, as the case may be, to make dies, plates or other instruments for making, or being used in making, trade marks or property marks, and that in the case which is the subject of the charge he was so employed and was not interested in the goods or other thing by way of profit or commission dependent on the sale thereof, and

(*b*) that he took reasonable precautions against committing the offence charged, and

(*c*) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the mark or description, and

(*d*) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf the mark or description was applied,

he shall be acquitted.

Forfeiture of Goods.

Forfeiture of goods.

9. (1) When a person is convicted under section 482 of the Indian Penal Code of using a false trade mark, or under section 486 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under section 487 or section 488 of that Code of making, or making use of, a false mark, orunder section 6 or section 7 of this Regulation of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or is acquitted on proof of the matter or matters specified in section 486 of the Indian Penal Code or section 7 or section 8

of this Regulation, the Court convicting or acquitting him may direct the forfeiture to His Highness the Maharaja of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

(2) When a forfeiture is directed on a conviction and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When a forfeiture is directed on an acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the Court to which in appealable cases appeals lie from sentences of the Court which directed the forfeiture.

Stamping of Length of Piece-goods manufactured in the Territories of Mysore.

Stamping of length of piece-goods manufactured in the territories of Mysore.

10. (1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured in premises in the territories of Mysore, shall not be removed from those premises without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece.

(2) If any person removes or attempts to remove any such piece-goods from any such premises without the length of each piece being stamped in the manner mentioned in sub-section (1), every such piece, and everything used for the packing or removal thereof, shall be forfeited to His Highness the Maharaja, and such person shall be punished with fine which may extend to one thousand rupees.

Supplemental Provisions.

Costs of defence or prosecution.

11. (1) On any prosecution for an offence against any of the sections of the Indian Penal Code, as amended by this Regulation, which relate to trade, property and other marks, the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

(2) Such costs shall, on application to the Court, be recoverable as if they were a fine.

Sections 12-16.

Limitation of prosecution.

12. No such prosecution as is mentioned in the last foregoing section shall be commenced after the expiration of three years next after the commission of the offence, or one year after the first discovery thereof by the prosecutor, whichever expiration first happens.

Authority of Government to issue instructions as to administration of this Regulation.

13. (1) The Government of Mysore may, by notification in the official Gazette, issue instructions for observance by Criminal Courts in giving effect to any of the provisions of this Regulation.

(2) Instructions under sub-section (1) may provide, among other matters, for the limits of variation, as regards number, quantity, measure, gauge or weight, which are to be recognized by Criminal Courts as permissible in the case of any goods.

Implied warranty on sale of marked goods.

14. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the seller shall be deemed to warrant that the mark is a genuine mark and not counterfeit or falsely used, or that the trade description is not a false trade description within the meaning of this Regulation, unless the contrary is expressed in some writing signed by or on behalf of the seller and delivered at the time of the sale or contract to and accepted by the buyer.

avings.

15. (1) Nothing in this Regulation shall exempt any person from any suit or other proceeding which might, but for anything in this Regulation, be brought against him.

(2) Nothing in this Regulation shall entitle any person to refuse to make a complete discovery or to answer any question or interrogatory in any suit or other proceeding; but such discovery or answer shall not be admissible in evidence against such person in any such prosecution as is mentioned in section 11.

(3) Nothing in this Regulation shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the territories of Mysore who in good faith acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master and as to the instructions which he has received from his master.

Definition of piece-goods.

16. For the purposes of section 10 of this Regulation, the Government of Mysore may, by notification in the official Gazette, declare what classes of goods are included in the expression 'piece-goods, such as are ordinarily sold by length or by the piece.'

Sections 17-18.

Determination of character of goods by sampling.

17. (1) The Government of Mysore may make rules, for the purposes of this Regulation, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court having occasion to ascertain the number, quantity, measure, gauge or weight of the goods shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

(3) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (2) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (2) desires that any further samples of the goods be selected and tested they shall, on his written application and on the payment in advance by him to the Court of such sums for defraying the cost of the further selection and testing as the Court may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the Government of Mysore in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (2), as the case may be.

(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(6) Rules under this section shall be made after previous publication.

Information as to commission of offences

18. An officer of the Government of Mysore whose duty it is to take part in the enforcement of this Regulation shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Regulation.

Section 19.

19. If any person, being within the territories of Mysore, abets the commission, without the territories of Mysore, of any act which, if committed in the territories of Mysore, would, under this Regulation, or under any section of that part of Chapter XVIII of the Indian Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in the territories of Mysore in which he may be found and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

Punishment of abetment in the territories of Mysore of acts done out of the territories of Mysore.

REGULATION No. II OF 1892

(PASSED ON THE 23RD DAY OF MAY 1892.)

A Regulation to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.

Preamble.

Whereas no action or suit is now maintainable in any Court against a person who, by his wrongful act, neglect or default, may have caused the death of another person, and it is oftentimes right and expedient that the wrong-doer in such case should be answerable in damages for the injury so caused by him; His Highness the Maharaja is pleased to enact as follows:—

Suit for compensation to the family of a person for loss occasioned to it by his death by actionable wrong.

1. Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, the party who would have been liable if death had not ensued, shall be liable to an action or suit for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony or other crime.

And it is enacted further that every such action or suit shall be for the benefit of the wife, husband, parent, and child, if any, of the person whose death shall have been so caused, and shall be brought by and in the name of the executor, administrator or representative of the person deceased;

and in every such action, the Court may give such damages as it may think proportioned to the loss resulting from such death to the parties, respectively, for whom and for whose benefit such action shall be brought, and the amount so recovered after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties, or any of them, in such shares as the Court by its judgment or decree shall direct.

Not more than one suit to be brought.

2. Provided always that not more than one action or suit shall be brought for and in respect of the same subject-matter of complaint; provided that, in any such action or suit, the executor, administrator or representative of the deceased may insert a claim for and recover any pecuniary loss to the estate of the deceased occasioned by such wrongful act, neglect or default, which sum,

Claim for loss to estate may be added.

when recovered, shall be deemed part of the assets of the estate of the deceased.

Plaintiff shall deliver particulars, &c.

3. The plaint in any such action or suit shall give a full particular of the person or persons for whom, or on whose behalf, such action or suit shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

Interpretation-clause.

4. The following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject-matter, that is to say, words denoting the singular number are to be understood to apply also to a plurality of persons or things, and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mother and grand-father and grand-mother; and the word "child" shall include son and daughter, and grand-son and grand-daughter, and step-son and step-daughter.

REGULATION No. III OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to further amend Regulation No. IV of 1888 (The Mysore Land Revenue Code) as amended by Regulation No. I of 1891.

Preamble.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

Substitution for the interpretation clause of "revenue year."

1. In section 3 of the said Code, for the interpretation clause of "revenue year" substitute the following:—

"The words 'revenue year' mean the period from and exclusive of the 30th June of one calendar year until and inclusive of the 30th June in the next calendar year."

"The revenue year 1891-92 shall consist of fifteen months running from 1st April 1891 to 30th June 1892, both days inclusive."

REGULATION No. IV OF 1892.

The Mysore Factories Regulation, 1892.

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REGULATION No. IV of 1892.

(Passed on the 15th day of December 1892.)

A Regulation to regulate Labor in Factories in the Territories of Mysore.

Whereas it is expedient to regulate labor in factories in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:— Preamble.

Preliminary.

1. This Regulation may be called the Mysore Factories Regulation, 1892. Short title and local extent.

It applies to the whole of the territories of Mysore.

2 In this Regulation unless there is something repugnant in the subject or context,— Interpretation clause.

"factory" means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) wherein is carried on, for not less than four months in the whole in any one year, any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and "factory."

(*a*) wherein steam, water or other mechanical power is used in aid of any such process; and

(*b*) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labor in, or incidental to, any such process;

and everypart of a factory shall be deemed to be a factory, except any part used exclusively as a dwelling:

"child" means a person under the age of fourteen years; "child."

"mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which the motion of the first moving power is communicated to any machine: "mill-gearing."

A person who works in a factory, whether for wages or not, in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to, or connected with, the manufacturing process or handicraft, or connected with the article "employed."

made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein within the meaning of this Regulation.

INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

3. The Government of Mysore may in its discretion, by notification in the official Gazette, appoint, by name or by office, such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to such Inspectors, and may suspend or dismiss any person so appointed.

The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his District.

Such Inspectors shall be deemed public servants within the meaning of the Indian Penal Code, and shall be officially subordinate to such authority as the Government of Mysore may, from time to time, indicate in this behalf.

Powers of Inspector.

4. An Inspector of factories may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;

(*b*) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any person as such Inspector may deem necessary for carrying out the purposes of this Regulation;

(*c*) order that any person shall not be employed in a factory when he has reason to believe that such employment would be in contravention of this Regulation,—

until the age of such person has been certified, in the manner hereinafter provided, to be above nine years, or

for more than the time allowed by this Regulation for the employment of children, until his age has been so certified to be above fourteen years.

Certifying surgeons.

5. The civil surgeon or such other person practising medicine or surgery as the Government of Mysore may, from time to time, appoint in this behalf for any local area (hereinafter called the certifying surgeon) shall, at the request of any person employed or desirous of being employed in a factory situate in such local area, or of the parent or guardian of such person, and on payment by such person of such fee, if any, as may from time to time be prescribed by the Government of Mysore by notification in the

official Gazette, examine such person and grant him a certificate, stating whether his age, as nearly as it can be ascertained from such examination, is above or below nine years, or fourteen years, as the case may be.

ALL OPERATIVES.

Limited stoppage of work daily in certain circumstances.

5A. (1) In every factory, except a factory in which a system of employment in shifts or sets approved by the local Inspector is in force, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour :

(2) Provided that nothing in this section shall apply to any factory of a class to which the Government of Mysore has, by notification in the official Gazette, declared this section not to apply.

Holidays.

5B. (1) No person shall be employed in any factory on a Sunday :

(2) Provided as follows :—

(*a*) any manager, foreman, mechanic, artisan or laborer may be employed in a factory on a Sunday in examining or repairing or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory ;

(*b*) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday ;

(*c*) the Government of Mysore may from time to time, by notification in the official Gazette, declare sub-section (1) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—

(*i*) necessitates continuous production for technical reasons, or

(*ii*) supplies the public with articles of prime necessity which must be made every day, or

(*iii*) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces ; and

(*d*) the Government of Mysore may from time to time, by notification in the official Gazette, declare sub-section (1) of this section not to apply to factories of any class described in the notification.

WOMEN.

Employment of women.

6. (1) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(2) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(3) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(4) The Government of Mysore may from time to time, by notification in the official Gazette, declare all or any of the foregoing sub-sections of this section not to apply to factories of any class described in the notification or to women employed in any process so described.

CHILDREN.

Employment of children.

7. [1] No child shall be employed in any factory if he is under the age of nine years.

(2) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(3) No child shall be actually employed in any factory for more than seven hours in any one day.

(4) Every child who is actually employed in any factory for six hours in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

Prohibition of employment of child in certain dangerous work.

8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

Register of children, in a factory.

9. The Government of Mysore may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the childern (if any) employed in such factory, and of their respective employments.

WOMEN AND CHILDREN.

Provisions supplementary to sections 6 and 7.

10. 1 The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in

English and Kanarese, showing the times at which such intervals as are required by section 6, sub-section (3), and section 7, sub-section (4), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

(2) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

Prohibition of employment of woman or child in two factories on same day.

11. No occupier of a factory shall employ therein on any day any woman or child who has to his knowledge already been employed on the same day in any other factory.

FENCING.

Fencing.

12. (*a*) Every fly-wheel directly connected with a steam engine, water-wheel or other mechanical power in any part of a factory, and every part of a steam-engine or water-wheel,

(*b*) every hoist or teagle near which any person is liable to pass or be employed, and

(*c*) every other part of the machinery or mill-gearing of a factory which may, in the opinion of the local Inspector, be dangerous if left unfenced, and which he may have ordered to be fenced,

shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order under clause (*c*) may be set aside, on appeal or otherwise, by the Government of Mysore or such authority as it may appoint in this behalf.

NOTICES.

Notice to be given of accidents.

13. When any accident occurs in a factory causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during forty-eight hours next after the occurrence of the accident, the occupier of such factory, or, in his absence, his principal agent in the management of such factory, shall send such notice of the accident to such authorities in such form and within such time as the Government of Mysore may from time to time by rule direct.

Person beginning to occupy factory to give notice.

14. Every person shall, within one month after he begins to occupy a factory, send to the local Inspector a written notice containing the name of the factory and of the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the person under whom the business of the factory is to be carried on.

Section 15.

PENALTIES.

Penalties.

15. (1) Any person who, in breach of this Regulation or of any order or rule made thereunder,—

(*a*) employs any person in any factory;

(*b*) allows any child to perform the work forbidden by, or to work in contravention of, section 8;

(*c*) neglects to keep a register in manner prescribed under section 9;

(*d*) neglects to set up or maintain the notice required by section 10, sub-section (1);

(*e*) neglects to fence any machinery or mill-gearing in any factory;

(*f*) neglects to maintain a supply of water for the use of persons employed in any factory;

(*g*) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;

(*h*) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or

(*i*) neglects to send any notice or furnish any return;

shall be punished with fine which may extend to two hundred rupees.

Provided that —

(*i*) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector; and

(*ii*) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Regulation, in which case one penalty may be imposed in respect of each person so employed.

(2) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be punished with fine which may extend to twenty rupees.

Sections 16-18.

Burden of proof as to age.

16. Where an act or omission would, if a person were under nine or fourteen years of age, be an offence punishable under this Regulation, and such person is, in the opinion of the Court, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

Occupier primarily liable for breaches of Regulation or orders or rules thereunder.

17. Every occupier of a factory shall be deemed primarily liable for any breach therein of this Regulation or of any order or rule made thereunder; but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor.

MISCELLANEOUS.

Power to make rules.

18. (1) The Government of Mysore may from time to time make rules consistent with this Regulation to provide for—

(*a*) the fencing of machinery and mill-gearing in factories;

(*b*) the water-supply to be maintained for the use of persons employed in factories;

(*c*) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance;

(*d*) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein;

(*e*) the inspection of factories;

(*f*) the manner in which appeals under this Regulation are to be presented, and heard; and

(*g*) otherwise carrying out the purposes of this Regulation.

(2) The Government of Mysore may from time to time make rules requiring occupiers of factories to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Regulation.

(3) Such rules shall be published in the official Gazette, and shall thereupon have the force of law.

(4) Before making rules under clause (*b*), clause (*c*) or clause (*d*) of sub-section (1) and under sub-section (2) of this section, the Government of Mysore shall publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date, not less remote than two months from the publication of the notice at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date specified.

Government factories.

19. This Regulation shall apply to factories belonging to the Government of Mysore: Provided that, in case of any public emergency, the Government of Mysore may, by an order in writing, exempt any factory from this Regulation to such extent and during such period as the Government of Mysore thinks fit.

Power to extend defintion of "factory."

20. (1) Notwithstanding anything in clause (*b*) of the definition of the word "factory" in section 2, the Government of Mysore may from time to time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Regulation, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labor in, or incidental to, any such process as is referred to in the said clause (*b*) is less than fifty and not less than twenty.

(2) The Government of Mysore may, by such notification, fix any number below fifty and not below twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Regulation and of the orders and rules made thereunder.

REGULATION No. V OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to amend the Mysore Civil Courts Regulation, I of 1883.

Whereas it is expedient to amend the Mysore Civil Courts Regulation, I of 1883; His Highness the Maharaja is pleased to enact as follows:— Preamble.

1. In section 16 of the said Regulation, before the words "Subordinate Judge," the words "District Judge or" shall be inserted. Amendment of section 16 of Regulation I of 1883.

REGULATION No. VI OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to amend section 265 of the Indian Contract Act, 1872, as introduced into Mysore by the Government of India Notification No. 47-J., dated 27th May 1878.

Whereas it is expedient to amend section 265 of the Indian Contract Act, 1872; His Highness the Maharaja of Mysore is pleased to enact as follows:—

New section substituted for section 265, Indian Contract Act.

1. For section 265 of the said Act, the following shall be substituted, namely:—

"Winding up by Court on dissolution or after termination."

"265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of a contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively."

REGULATION No. VII OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to amend the Code of Civil Procedure.

Whereas it is expedient to amend the Code of Civil Procedure; His Highness the Maharaja is pleased to enact as follows:—

Short title. **1.** (1) This Regulation may be called the Civil Procedure Code Amendment Regulation, 1892, and

Commencement. (2) It shall come into force on the 1st day of April 1893.

Construction. **2.** (1) In this Regulation, unless there is something repugnant in the subject or context, "section" means a section, "schedule" a schedule, and "chapter" a chapter, of the Code of Civil Procedure.

(2) Any reference in any enactment heretofore passed or hereafter to be passed to the Code of Civil Procedure shall, so far as may be, be read as if made to it as amended by this Regulation.

Addition of new section after section 3. **3.** The following shall be inserted after section 3, namely:—

"Power to modify the Code in its application to Revenue Courts." "3A. (1) Where any Revenue Courts are governed by the provisions of the Code of Civil Procedure in those matters of procedure upon which any special enactment applicable to them is silent, the Government of Mysore may, by notification in the official Gazette, declare that any portions of those provisions shall not apply to those Courts, or shall only apply to them with such modifications as the Government may prescribe.

"(2) 'Revenue Court' in sub-section (1) means a Court having jurisdiction under any local law to entertain suits relating to the rent, revenue, or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits as being suits of a Civil nature of which its cognizance is not barred by any enactment for the time being in force."

Addition to section 14. **4.** To section 14 the following shall be added, namely:—

"Where a suit is instituted in the territories of Mysore on the judgment of any foreign Court in Asia or Africa except a Court of Record established by Letters Patent of Her Majesty or any predecessor of Her Majesty or a Supreme Consular Court established by an Order of Her Majesty in Council, the Court in which the suit is instituted shall not be precluded from enquiry into the merits of the case in which the judgment was passed."

Sections 5-8.

Addition of new section after section 16.

5. The following shall be inserted after section 16, namely:—

"Place for institution of suit where local limits of jurisdiction of Courts are uncertain.

"16A. (1) When it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immoveable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction:

"Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

"(2) Where a statement has not been recorded under sub-section (1), and an objection is taken before an appellate or revisional Court that a decree of order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection if in its opinion there was, at the time of the institution of the suit, any reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto."

Addition to section 17.

6. In section 17, after Explanation II, the following shall be inserted, namely:—

"Explanation III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely:—

(i) the place where the contract was made;

(ii) the place where the contract was to be performed or performance thereof completed;

(iii) the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

Amendment of section 27.

7. In section 27 there shall be inserted after the words "the Court may" the words "at any stage of the suit," and after the words "any other person or persons" the words "with his or their consent."

Substitution of new section for section 53.

"When plaint may be rejected, returned for amendment or amended."

8. For section 53 the following shall be substituted, namely:—

"53. The plaint may, at the discretion of the Court,—

(*a*) at, or at any time before, the settlement of issues, be rejected if it does not disclose a cause of action;

Sections 9-10.

(*b*) at, or at any time before, the settlement of issues, be returned for amendment within a time to be fixed by the Court, and upon such terms as to the payment of costs occasioned by such amendment as the Court thinks fit, if it—

(i) is not signed and verified as hereinbefore required,

(ii) does not state correctly and without prolixity the several particulars hereinbefore required, or contains particulars other than those so required,

(iii) is wrongly framed by reason of non-joinder or misjoinder of parties, or joins causes of action which ought not to be joined in the same suit, or

(iv) is not framed in accordance with the provisions of section 42;

(*c*) at any time before judgment be amended by the Court upon such terms as to the payment of costs as the Court thinks fit:

"Provided that a plaint shall not be amended either by the party to whom it is returned for amendment, or by the Court, so as to convert a suit of one character into a suit of another and inconsistent character.

"When a plaint is amended under this section, the amendment shall be attested by the signature of the Judge."

Substitution of new section for section 72.

9. For section 72 the following shall be substituted, namely:—

"Delivery or transmission of summons for service."

"72. (1) If the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall ordinarily be delivered or sent to the proper officer to be served by him or one of his subordinates.

"(2) The proper officer may be an officer of another Court than that in which the suit is instituted, and, where he is such an officer, the summons may, subject to any rules which the Chief Court may make in this behalf, be sent to him by post or in such other manner as the Court may direct."

Amendment of section 82.

10. In section 82, for the first twenty words the following shall be substituted, namely:—

"When a summons is returned under section 80, the Court shall, if the return under that section has not been verified by the affidavit of the serving-officer, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another Court, touching his proceedings.

Sections 11-12.

Substitution of new section for section 89.

11. For section 89 the following shall be substituted, namely :—

"Service when defendant resides out of the territories of Mysore and has no agent to accept service."

"89. If the defendant resides out of the territories of Mysore and has no agent in the territories of Mysore empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post if there be postal communication between such place and the place where the Court is situate:

"Service in foreign territory through British Resident or Court."

Provided that if there is a British Resident, or Agent, or a Superintendent appointed by the British Government, or a Court established or continued by the authority of the Governor General in Council, in or for the territory in which the defendant resides, the summons may be sent to such Resident, Agent, Superintendent or Court by post or otherwise, for the purpose of being served upon the defendant; and, if the Resident, Agent or Superintendent or the Judge of the Court returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be evidence of the service."

Substitution of new section for sections 141 and 142.

12. For sections 141 and 142 the following shall be substituted, namely :—

"Endorsements on documents admitted in evidence."

"141. (1) Subject to the provisions of the next following sub-section, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely :—

(*a*) the number and title of the suit,

(*b*) the name of the person producing the document,

(*c*) the date on which it was produced, and

(*d*) a statement of its having been so admitted,

and the endorsement shall be signed by the Judge.

"(2) If a document so admitted is an entry in a book, account or record and a copy thereof has been substituted for the original under the next following section, the particulars aforesaid shall be endorsed on the copy, and the endorsement thereon shall be signed by the Judge.

"Endorsements on copies of admitted entries in books, accounts and records."

"141A. (1) If a document admitted in evidence in the suit is an entry in a shop-book or other account in current use, the party on whose behalf the account is produced, may furnish a copy of the entry.

Sections 13-15.

"(2) If such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

(i) where the record, book or account is produced on behalf of a party, then by that party, or

ii) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

"(3) When a copy of an entry is furnished under the foregoing provisions of this section, the Court shall, after causing the copy to be examined, compared and attested in manner mentioned in section 62, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

"Endorsements on documents rejected as inadmissible in evidence."

"142. When a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (*a*), (*b*) and (*c*) of section 141, sub-section (1), and a statement of its having been rejected, and the endorsement shall be signed by the Judge.

"Recording of admitted and return of rejected documents."

142A.. (1) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under section 141A, shall form part of the record of the suit.

"(2) Documents not admitted in evidence shall not form part of the record and shall be returned to the parties respectively producing them."

Amendment of section 143.

13. In section 143, for the words and figures "section 62, 141 and 142" there shall be substituted the following, namely:—

"Section 62, section 141A, sub-section (3), or section 142A, sub-section (2).

Amendment of section 159.

14. In section 159 the words "or sent" shall be inserted after the word "delivered."

Amendment of section 168.

15. In section 168, for the words "shall examine the serving-officer on oath" the following shall be substituted, namely:—

"shall if the certificate of the serving-officer has not been verified by affidavit, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court."

Addition of new section after section 185.

16. The following shall be inserted after section 185, namely:—

"Power for Government to require evidence to be recorded in English."

"185A. (1) The Government of Mysore may, by notification in the official Gazette, direct, with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall, instead of being taken down in the manner prescribed in the foregoing sections, be taken down by him with his own hand in the English language.

"(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

"(3) Evidence taken down under sub-section (1) or sub-section (2) shall be taken in the form mentioned in section 182, and be read over and signed, and, as occasion may require, interpreted and corrected, as if it were evidence taken down under that section.

"(4) The Government of Mysore may, by notification in the official Gazette, revoke or vary a direction notified under sub-section (1)."

Substitution of new section for section 191.

17. For section 191 the following shall be substituted, namely:—

"Power to deal with evidence taken down by another Judge."

"191. (1) Where the Judge taking down any evidence, or causing any memorandum to be made, under this chapter, is prevented by death, transfer or other cause from concluding the trial of the suit, any successor to such Judge may deal with such evidence or memorandum as if he himself had taken it down or caused it to be made, and proceed with the suit from the stage at which his predecessor left it.

"(2) The provisions of sub-section (1) shall apply, so far as they can be made applicable, to a suit transferred under section 25:

"Provided that a Court transferring a suit under that section may, if it thinks fit, direct that the Court to which the suit is transferred shall recall all or any of the witnesses who have been examined and take their evidence afresh."

Addition to section 193.

18. To section 193 the following shall be added, namely:—

"A Court continuing a suit under section 191 may recall and re-examine a witness who has departed in accordance with section 173."

Sections 19-24.

Amendment of section 209.

19. (1) In section 209, for the first thirteen words the words "When a decree is for the payment of money" shall be substituted.

(2) To the same section the following shall be added, namely:—

"Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie."

Repeal of part of section 213.

20. In section 213 the words and figures from and including the word "applications" to the end of the section shall be repealed.

Amendment of section 216.

21. (1) In section 216, for the first twenty-four words the following shall be substituted, namely:—

"If the defendant has been allowed a set-off against the claim of the plaintiff,"

(2) To the same section the following shall be added, namely:—

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

Repeal of part of section 230.

22. The last paragraph of section 230 is hereby repealed.

Amendment of section 244.

23. (1) In section 244, for clause (*c*) the following shall be substituted, namely:—

"(*c*) Any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree or to the stay of execution thereof."

(2) To the same section the following shall be added, namely:—

"If a question arises as to who is the representative of a party for the purposes of this section, the Court may either stay execution of the decree until the question has been determined by a separate suit or itself determine the question by an order under this section."

Addition of new sections after section 245.

24. After section 245, the following sections shall be inserted, namely:—

"Prohibition of arrest or imprisonment of women in execution of decrees for money."

"245A. Notwithstanding anything in the last foregoing section or in any other section of the Code, the Court shall not order the arrest or imprisonment of a woman in execution of a decree for money.

"Discretionary power to permit other judgment-debtor to show cause against imprisonment."

"245B. (*i*) Notwithstanding anything in section 245 or in any other section of this Code, when an application is for the execution of a decree for money by the arrest and imprisonment of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to jail in execution of the decree.

"(*ii*) If appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor."

Amendment of section 250.

25. In section 250, between the word "shall" and the word "issue," the following shall be inserted, namely :—

"subject to the provisions of sections 245A and 245B."

Amendment of section 258.

26. For the last paragraph of section 258 the following shall be substituted, namely :—

"Unless such a payment or adjustment has been certified as aforesaid, it shall not be recognized as a payment or adjustment of the decree by any Court executing the decree."

Amendment of section 266.

27. (1) In the first proviso to section 266, clause (*a*), the words "and bedding" shall be inserted after the word "apparel."

(2) In the same proviso, clause (*b*), after the word "cattle" the words "and seed grain" shall be inserted.

(3) In the same proviso, for clause (*h*), the following shall be substituted, namely :—

"(*h*) The salary of a public officer or of any servant of a Railway Company or local authority to the extent of—

(i) The whole of the salary where the salary does not exceed twenty rupees monthly ;

(ii) Twenty rupees monthly where the salary exceeds twenty rupees and does not exceed forty rupees monthly ; and

(iii) One moiety of the salary in any other case."

(4) To the same proviso, after clause (*l*), the following shall be added, namely :—

"(*m*) Any allowance declared by any law passed by the Government of Mysore to be exempt from liability to attachment or sale in execution of a decree ;

"(*n*) Where the judgment-debtor is a person liable for the payment of land revenue, any moveable property which under any

law applicable to him is exempt from sale for the recovery of an arrear of such revenue.

"(*o*) The arms, horse, clothes, equipments, regimental accoutrements and necessaries of the members of the Mysore Silahdar and Barr Forces, and the pay and allowances or any part thereof of such members below the rank of a Jamadar in a Silahdar Force, and below the rank of a Subadar in a Barr Force."

(5) In the Explanation to the same proviso, for the word and letter "and (*j*)" the letters and words "(*j*) and (*m*) and the pay and allowances specified in clause (*o*)," shall be substituted.

Amendment of section 289.

28. In section 289 the words "on the spot where the property is attached" are hereby repealed.

Addition to section 320.

29. To section 320 the following shall be added, namely:—

"Rules under this section may confer upon the Deputy Commissioner or any gazetted subordinate of the Deputy Commissioner all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Deputy Commissioner, including the powers of the Court under sections 294 and 312, and may provide for orders passed by the Deputy Commissioner or any gazetted subordinate of the Deputy Commissioner, or orders passed on appeal with respect to such orders, being subject to appeal to and revision by superior Revenue authorities as nearly as may be as the orders passed by the Court, or orders passed on appeal with respect to such orders, would be subject to appeal to and revision by appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Deputy Commissioner.

"A power conferred by the rules upon the Deputy Commissioner or any gazetted subordinate of the Deputy Commissioner, or upon any appellate or revisional authority, shall not be exercisable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

"In executing a decree transferred to the Deputy Commissioner under this section, the Deputy Commissioner and his subordinates shall be deemed to be acting judicially."

Addition of a new proviso to section 336.

30. After the first paragraph of section 336, the following shall be inserted, namely:—

"Provided that no person, who belongs to the Mysore Silahdar or Barr Force, shall, so long as he belongs to such Force, be liable

Section 31.

to be arrested for debt under any process issued by, or by the authority of, any Court of Law; and"

Addition of new section after section 337.

31. After section 337, the following shall be inserted, namely:—

"Proceedings on appearance of judgment-debtor in obedience to notice under section 245 B or after arrest in execution of decree for money."

"337A. (i) When a judgment-debtor appears before the Court in obedience to a notice issued under section 245B, or is brought before the Court after being arrested in execution of a decree for money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms, if any, as it thinks fit, make an order disallowing the application for his arrest and imprisonment, or directing his release, as the case may be.

"(ii) Before making an order under sub-section (i), the Court may take into consideration any allegation of the decree-holder touching any of the following matters, namely:—

(*a*) the decree being for a sum for which the judgment-debtor was bound as a trustee or as acting in any other fiduciary capacity to account;

(*b*) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was made, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decree-holder in the execution of the decree;

(*c*) any undue or unreasonable preference given by the judgment-debtor to any of his other creditors;

(*d*) his refusal or neglect to pay the amount of the decree or some part thereof when he has, or since the date of the decree has had, the means of paying it;

(*e*) the likelihood of his absconding or leaving the jurisdiction of the Court with the object or effect mentioned in clause (*b*) of this sub-section.

(iii) While any of the matters mentioned in sub-section (ii) are being considered, the Court may in its discretion order the judgment-debtor to be imprisoned, or leave him in the custody of an officer of the Court or release him on his furnishing sufficient security for his appearance on the requisition of the Court.

(iv) A judgment-debtor released under this section may be re-arrested.

Sections 32-33.

(v) If the Court does not make such an order as is mentioned in sub-section (i), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to jail."

Amendment of Chapter XX.

32. (1) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted.

(2) In section 354, between the word "and" and the words "shall operate" the words "every order under that section appointing a receiver" shall be inserted.

(3) For the second paragraph of section 360 the following shall be substituted, namely:—

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made, in execution of a decree for money passed by that Court."

Amendment of Chapter XXI.

33. (1) For sections 363 and 364 the following shall be substituted, namely:—

"Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone."

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall thereupon cause an entry to that effect to be made on the record and proceed with the suit."

(2) For section 365, the following shall be substituted, namely:—

"Procedure in case of death of sole or sole surviving plaintiff."

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court to have his name entered on the record in place of the deceased plaintiff, and the Court shall thereupon enter his name and proceed with the suit."

(3) To section 368, the following shall be added, namely:—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

(4) After section 372 the following shall be added, namely:—

"Power for Court to extend period of limitation prescribed for certain applications."

"372A. The provisions of section 5 of the Indian Limitation Act, 1877, applicable to appeals shall apply to applications under sections 365, 366, 368 and 371.

Addition to section 380.

34. To section 380 the following shall be added, namely:—

"On the application of any defendant in a suit for money in which the plaintiff is a woman, the Court may, at any stage of the suit, make a like order if it is satisfied that such plaintiff does not possess any sufficient immovable property within the territories of Mysore independent of the property in suit."

Addition to section 381.

35. To section 381 the following shall be added, namely:—

"or show good cause why such time should be extended, in which case the Court may extend it.

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

"The provisions of the Indian Limitation Act, 1877, with respect to an application under section 103, and of this Code with respect to an appeal from an order rejecting such an application, shall apply, so far as they can be made applicable, to an application under this section for an order to set aside the dismissal of a suit, and to an appeal from an order rejecting such an application, respectively."

Amendment of section 386.

36. In section 386, for the words "or to any pleader of the Chief Court whom the Court issuing the commission thinks fit to appoint" the following shall be substituted, namely:—

"or to any pleader or other person whom the Court issuing the commission, may, subject to any rules of the Chief Court in this behalf, think fit to appoint."

Amendment of section 424.

37. In section 424, after the words "intending plaintiff" the words "and the relief which he claims" shall be inserted.

Sections 38-43.

38. In section 503, clause (*d*), the words "as the Court thinks fit" shall be inserted after the words "by way of remuneration." Amendment of section 503.

39. In section 504, for the words "the Court may appoint the Deputy Commissioner" the words "the Court may, with the consent of the Deputy Commissioner, appoint him" shall be substituted. Amendment of section 504.

40. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted. Amendment of section 539.

41. To section 540 the following shall be added, namely:— Addition to section 540.

"An appeal may lie under this section from an original decree passed *ex parte*."

42. To section 549 the following shall be added, namely:— Addition to section 549.

"If such security be furnished, any costs for which a surety may have rendered himself liable may be recovered from him in execution of the decree of the appellate Court in the same manner as if he were the appellant."

43. (1) For section 551 the following shall be substituted, namely:— Substitution of new section for section 551.

"551. (i) The appellate Court, if it thinks fit, may, after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, dismiss the appeal without sending notice of the appeal to the Court against whose decree the appeal is made and without serving notice on the respondent or his pleader. "Power to dismiss appeal without sending notice to Lower Court."

"(ii) If on the day fixed under sub-section (i) or any other day to which the hearing may be adjourned the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

"(iii) The dismissal of an appeal under this section shall be notified to the Court against whose decree the appeal is made."

(2) For the first paragraph of section 552 the following shall be substituted, namely:—

"Unless the appellate Court dismisses the appeal under the last foregoing section, it shall fix a day for hearing the appeal."

(3) In section 558 the words and figures "section 551, sub-section (ii)," shall be inserted befor the word and figures "section 556."

Amendment of, and addition to, section 561.

44. (1) For the proviso to the first paragraph of section 561 the following shall be substituted, namely :—

"Provided he has filed the objection in the appellate Court within one month from the date of the service on him or his pleader under section 553 of notice of the day fixed for hearing the appeal, or within such further time as the appellate Court may see fit to allow."

(2) To the same section the following shall be added, namely:—

"Unless the respondent files with the objection a written ackowledgment from the appellant or his pleader of having received a copy thereof, the appellate Court shall cause such a copy to be served, as soon as may be after the filing of the objection, on the appellant or his pleader, at the expense of the respondent.

The provisions of Chapter XLIV shall, so far as they can be made applicable, apply to an objection under this section."

Amendment of section 562.

45. (1) In section 562 the words "so as to exclude any evidence of fact which appears to the appellate Court essential to the determination of the rights of the parties" are hereby repealed.

(2) In the same section, for the word "investigate" the word "determine" shall be substituted.

Repeal of section 563.

46. Section 563 is hereby repealed.

Amendment of section 565.

47. In section 565, for the word "shall" the word "may" shall be substituted.

Amendment of section 566.

48. (1) In section 566, the words "and the evidence upon the record is not sufficient to enable the appellate Court to determine such issue or question" are hereby repealed.

(2) In the same section between the words "the appellate Court may" and the words "frame issues" the words "if necessary" shall be inserted.

Addition to section 575.

49. To section 575, add the following:—

"When any of these provisions conflict with those of the Mysore Chief Court Regulation, I of 1884, as amended by Regulation II of 1890, the last mentioned provisions shall prevail."

Amendment of section 582.

50. (1) In section 582, for the words "the words 'plaintiff,' 'defendant' and 'suit' shall be held to include an appellant, a respondent and an appeal, respectively," the following shall be substituted, namely :—

"the word 'plaintiff' shall be held to include a plaintiff-appellant or defendant-appellant, the word 'defendant' a plaintiff-respondent or defendant-respondent, and the word 'suit' an appeal."

Sections 51-57.

(2) In the same section, the words and figures "including those of section 372A," shall be inserted after the words "The provisions hereinbefore contained."

51. To section 584 the following shall be added, namely:— Addition to section 584.

"An appeal may lie under this section from an appellate decree passed *ex parte*."

52. (1) In section 588, clause (9), for the word "or" the word "for" shall be substituted. Amendment of section 588.

(2) In the same section, clause (16), for the words "the first paragraph of" the words "and orders under" shall be substituted.

53. (1) The first paragraph of section 589, and the word "other" in the second paragraph of that section, are hereby repealed. Repeal of part of section 589.

(2) To the same section the following shall be added, namely:—

"Provided that an appeal from an order specified in section 588, clause (17), shall lie—

(*a*) to the District Court where the order was passed by a Court subordinate to that Court, and

(*b*) to the Chief Court in any other case."

54. To section 626 the following proviso shall be added, namely:— Addition to section 626.

"and"

"(*c*) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (*a*) to this section, be disposed of by his successor."

55. In section 640, after the words "from arrest in execution of civil process" the words "in any case in which the arrest of women is not prohibited by this Code" shall be added. Amendment of section 640.

56. In section 642, for the words and figures "except as provided in sections 256 and 643" the following shall be substituted, namely:— Amendment of section 642.

"except as provided in section 337 A, sub-section (v), and sections 256 and 643."

57. After section 645 the following shall be inserted namely:— Addition of new sections after section 645.

"645A. (1) If at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the Chief Court with a statement of its reasons for the doubt as to the nature of the suit. "Power to refer to Chief Court questions as to jurisdiction in Small Causes."

"(2) On receiving the record and statement the Chief Court may order the Court either to proceed with the suit or to return the plaint for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit.

"Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in Small Causes."

"645B. (1) If it appears to a District Court that a Court subordinate thereto, has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and, if required by a party, shall, submit the record to the Chief Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

"(2) On receiving the record and statement the Chief Court may pass such order in the case as it thinks fit.

"(3) With respect to any proceeding subsequent to decree in any case submitted to the Chief Court under this section, the Chief Court may make such order as in the circumstances appears to it to be just and proper.

"(4) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this section."

Amendment of, and addition to, section 648.

58 For the third paragraph of section 648, the following shall be substituted: —

"and the Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him"

Addition of new section after section 654.

"Release on ground of illness of judgment-debtor."

59. After section 652, the following shall be added, namely:—

"653. (1) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom the warrant was issued.

"(2) When a judgment-debtor has been arrested under this Code, the Court may release him if in its opinion he is not in a fit state of health to undergo imprisonment.

Sections 60-61.

"(3) When a judgment-debtor has been committed to jail, he may be released therefrom—

(*a*) by the Government of Mysore, on the ground of his suffering from any infectious or contagious disease, or

(*b*) by the committing Court or any court to which that Court is subordinate, on the ground of his suffering from any serious illness.

"(4) A judgment-debtor released under this section may be re-arrested, but the period of his imprisonment shall not in the aggregate exceed that prescribed in section 342 or section 481, as the case may be."

Revision of second schedule.

60. For the second schedule there shall be substituted the schedule to this Regulation.

Amendment of Form No. 137, schedule IV.

61. In Form No. 137 of the fourth schedule the words "bound by the decree" shall be inserted after the words "remove any person."

SCHEDULE TO THIS REGULATION.

THE SECOND SCHEDULE TO THE CODE OF CIVIL PROCEDURE.

(*See Section 5.*)

Chapters and Sections of this Code extending to Courts of Small Causes.

Preliminary: Sections 1, 2, 3 and 5.

Chapter I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11 and the last paragraph of section 14.

Chapter II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 and 23.

Chapter III.—Of Parties and their Appearances, Applications and Acts.

Chapter IV.—Of the Frame of the Suit, except section 42 and section 44, rule a.

Chapter V.—Of the Institution of Suits.

Chapter VI.—Of the Issue and Service of Summons, except section 77.

Chapter VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

Chapter VIII.—Of Written Statements and Set-off.

Chapter IX.—Of the Examination of the Parties by the Court, except section 119.

Chapter X.—Of Discovery and the Admission, &c., of Documents.

Schedule.

Chapter XII.—Section 155, first paragraph, Judgment where either Party fails to produce his evidence.

Chapter XIII.—Of Adjournments.

Chapter XIV.—Of the Summoning and Attendance of Witness.

Chapter XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).

Chapter XVI.—Of Affidavits.

Chapter XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.

Chapter XVIII.—Of Costs, sections 220, 221 and 222.

Chapter XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 283 (both inclusive), 284 (so far as relates to moveable property), 285, 286, 287, 288, 289, 290 (so far as relates to moveable property), 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).

Chapter XX.—Section 360, Power to invest certain Courts with Insolvency Jurisdiction.

Chapter XXI.—Of the Death, Marriage, and Insolvency of Parties.

Chapter XXII.—Of the Withdrawal and Adjustment of Suits.

Chapter XXIII.—Of Payment into Court.

Chapter XXIV.—Of requiring Security for Costs.

Chapter XXV.—Of Commissions, except section 396.

Chapter XXVI.—Suits by Paupers.

Chapter XXVII.—Suits by Government or by or against Public Officers.

Chapter XXIX.—Suits by and against Corporations and Companies.

Chapter XXX.—Suits by and against Trustees, Executors and Administrators.

Chapter XXXI.—Suits by and against Minors and Persons of unsound mind.

Chapter XXXXII.—Suits by and against Military Men.

Chapter XXXIII.—Interpleader.

Chapter XXXIV.—Of Arrest and Attachment before Judgment, except as regards Immoveable Property.

Chapter XXXVI.—Appointment of Receivers.

Chapter XXXVII.—Reference to Arbitration.

Chapter XXXVIII.—Of Proceedings on Agreement of Parties.

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REGULATION No. VIII OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to amend the Cattle Trespass Act, 1871, as introduced into Mysore by the Government of India Notification No. 58 J., dated 5th April 1872.

Whereas it is expedient to amend the Cattle Trespass Act, 1871 *, as introduced into Mysore by the Government of India Notification No. 58 J., dated 5th April 1872; His Highness the Maharaja is pleased to enact as follows:—

Substitution of new section for section 1, Act I, 1871.

1. For section 1 of the Cattle Trespass Act, 1871, the following shall be substituted, namely:—

"Title and extent."

"1. (1) This Act may be called The Cattle Trespass Act, 1871; and

(2) It extends to the whole of the territories of Mysore except such local areas as the Government of Mysore, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2)."

Addition to section 3, Act I, 1871.

2. To section 3 of the said Act, the following shall be added, namely:—

"and

"'Local authority' means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

"'Local fund' means any fund under the control or management of a local authority."

Substitution for the first paragraph and proviso of section 6.

3. In section 6 of the said Act, for the first paragraph and its proviso the following shall be substituted, namely:—

"The heads of villages shall be *ex officio* keepers of village-pounds:

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* The Cattle Trespass Act, as amended by Regulation VIII of 1892, has been printed in Vol. I of the Mysore Code, at pp. 204 to 215. For certain omissions in this Regulation, *vide* the foot-notes to the Act, in that volume.

"Provided that, where it is deemed necessary, the Magistrate of the District shall be competent to relieve the head of the village of his charge and appoint another instead."

Amendment of section 10, Act I, 1871.

4. In section 10 of the said Act, for the words "take them or cause them to be taken without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Amendment of section 11, Act I, 1871.

5. In section 11 of the said Act, for the words "take them without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Additions to section 12, Act I, 1871.

6. (1) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely :—

"Provided that, when it appears to the Government of Mysore from the report of a Magistrate of a district, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Government of Mysore may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale as may be prescribed in the notification."

(2) After the third paragraph of the same section the following shall be added, namely :—

"The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section."

Substitution of new Chapter for Chapter V, Act I, 1871.

7. For Chapter V of the said Act, the following shall be substituted, namely :—

"CHAPTER V.

"COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

Power to make complaints.

"20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any

Magistrate authorised to receive and try charges without reference by the Magistrate of the District.

"Procedure on complaint."

"21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing, or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

"If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

"Compensation for illegal seizure or detention."

"22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

"Release of cattle."

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release, and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

"Recovery of compensation."

"23. The compensation, fines, and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate."

Amendment of section 25, Act I, 1871.

8. In section 25 of the said Act, the words "under the next following section or" shall be inserted between the words "Any fine imposed" and the words "for the offence of mischief."

Addition to section 26, Act, I, 1871.

9. To section 26 of the said Act, the following shall be added, namely:—

"The Government of Mysore, by notification in the official Gazette, may, from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words 'fifty rupees' were substituted for the words 'ten rupees' or as if there were both such reference and such substitution.

"The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

Sections 10-12.

Addition of new Chapter after Chapter VII, Act I, 1871.

10. After Chapter VII, the following shall be added, namely:—

"CHAPTER VIII.

"SUPPLEMENTAL.

"Power for Government of Mysore to transfer certain functions to local authority and direct credit of surplus receipts to local fund."

"31. The Government of Mysore may, from time to time, by notification in the official Gazette—

(*a*) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Government of Mysore or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

(*b*) direct that the whole or any part of the surplus accruing in any district under section 18 of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section."

Saving of references.

11. Any enactment or document referring to the Cattle Trespass Act, 1871, shall be construed to refer to the Cattle Trespass Act, 1871, as amended by this Regulation.

Commencement.

12. This Regulation shall come into force on the first day of June 1893.

REGULATION No. I OF 1893.

(PASSED ON THE 18TH DAY OF SEPTEMBER 1893.)

A Regulation for avoiding loss by the default of public accountants.

Preamble. For better avoidance of loss through the default of public accountants, His Highness the Maharaja is pleased to enact as follows :—

Public accountants to give security. 1. Every public accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control, by reason of his office.

Amount and kind of security, and with what sureties. 2. In default of any Regulation having special reference to the office of any public accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the office), as shall be required by any rules made or to be made from time to time, by the authority by which each public accountant is appointed to his office, subject, save in the case of Post Office employés, to the approval of the Government of Mysore.

"Public accountant" defined. 3. Every person is a public accountant within the meaning of this Regulation, who, by reason of any office held by him in the service of the Government of Mysore, is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to the said Government, or as Official Assignee or Trustee, or in any other official capacity, with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to any other person or persons. Every Post Office employé in the territories of Mysore shall, for the purposes of this regulation, be deemed to be a public accountant.

Prosecution of accountants and sureties. 4. The person or persons at the head of the office to which any public accountant belongs may proceed against any such public accountant and his sureties for any loss or defalcation in his accounts as if the amount thereof were an arrear of land-revenue due to the Government of Mysore.

Section 5.

Enactments applied to proceedings by and against accountants.

5. All Regulations now or hereafter to be in force for the recovery of arrears of land-revenue due to the Government of Mysore, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such public accountant.

REGULATION No. I OF 1894.

(PASSED ON THE 13TH DAY OF FEBRUARY 1894.)

A Regulation to amend Act XXV of 1867 as introduced into Mysore by the Government of India Notification No. 176, dated 12th September 1867.

WHEREAS it is expedient to amend Act XXV of 1867* (*an Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books*) as introduced into Mysore by the Government of India Notification No. 176, dated 12th September 1867; His Highness the Maharaja is pleased to enact as follows :—

Repeal of part of preamble to Act XXV, 1867.

1. In the preamble to the said Act, the word "three" is hereby repealed.

Substitutions for the expressions "British India," "Local Government," &c., throughout the Act.

2. Throughout the said Act, for the words "British India," the words "the territories of Mysore," for the words "Local Government" and "the Governor-General of India in Council," the words "the Government of Mysore," and for the words "Local Gazette" and "Gazette of India," the words "official Gazette," shall be substituted.

Omissions to be made in section 1.

3. In section 1 of the said Act, omit the interpretation clauses of "British India" and "Local Government;" and the words "and includes a Magistrate of Police and a Justice of the Peace" in the definition of the word "Magistrate."

Omission of section 2, part of section 19, and section 22.

4. Omit section 2, the thirty-one words from "and a copy of the memoranda" to the end of section 19, and section 22 of the said Act.

Amendment of section 6, Act XXV, 1867.

5. In section 6 of the said Act, for the words "other Court within the local limits of whose ordinary original civil jurisdiction" the words "other principal Civil Court of original jurisdiction for the place where" and for the words "High Court of Judicature" the words "Chief Court" shall be substituted.

Substitution of new Part for Part III, Act XXV of 1867.

6. For Part III (sections 9, 10 and 11) of the said Act, the following shall be substituted, namely :—

"PART III.

"DELIVERY OF BOOKS.

"Copies of books printed after commencement of

"9. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in the territories of Mysore

* Act XXV of 1867 as amended by Regulation I of 1894 has been printed in Vol. I of the Mysore Code, at pages 169-178.

Act to be delivered gratis to Government."

after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and colored in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Government of Mysore shall, by notification in the official Gazette, from time to time direct, and free of expense to the Government of Mysore, as follows, that is to say :—

(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and

(*b*) if within one calendar year from such day the Government of Mysore shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the Government of Mysore on the printer, another such copy, or two other such copies, as the Government of Mysore may direct,

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed or lithographed.

"The publisher or other person employing the printer shall at a reasonable time before the expiration of the said month supply him with all maps, prints and engravings finished and colored as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

"Nothing in the former part of this section shall apply to—

(*i*) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or

(*ii*) any periodical work published in conformity with the rules laid down in section 5 of this Act.

"Receipt for copies delivered under last foregoing section."

"10. The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

"Disposal of copies delivered under section 9."

"11. The copy delivered pursuant to clause (*a*) and the copies, if any, delivered pursuant to clause (*b*) of the first paragraph of section 9 of this Act shall be disposed of as the Government of Mysore shall from time to time determine."

Sections 7-8.

Substitution of new sections for sections 16 and 17, Act XXV, 1867.

7. For sections 16 and 17 of the said Act the following shall be substituted, namely :—

"Penalty for not delivering books or not supplying printer with maps."

"16. If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government of Mysore such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

"If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government of Mysore such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be, in the circumstances, a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

"Recovery of forfeitures and disposal thereof and of fines."

"17. Any sum forfeited to the Government of Mysore under the last foregoing section may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure for the time being in force, and within the period prescribed by the Indian Penal Code, for the levy of a fine.

"All fines or forfeitures under this Part of this Act shall, when recovered, be disposed of as the Government of Mysore shall from time to time direct."

Amendment of section 18 Act XXV, 1867.

8. In section 18 of the said Act, there shall be substituted for the words and figure "pursuant to section 9" the words, letter and figure "pursuant to clause (*a*) of the first paragraph of section 9," and for the words "copies thereof in manner aforesaid" the words, letter and figure "copy thereof pursuant to clause (*a*) of the first paragraph of section 9."

REGULATION No. II OF 1894.

(PASSED ON THE 15TH DAY OF FEBRUARY 1894.)

A Regulation to amend the Indian Penal Code (Act XLV of 1860).

Preamble. WHEREAS it is expedient to amend the Indian Penal Code (Act XLV of 1860), as it is in force in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:—

Addition to section 21. **1.** To section 21 of the said Code, the following shall be added, namely:—

"*Eleventh*:—Every officer employed in any Postal or Telegraph service established or maintained by the British Indian Government within the territories of Mysore."

REGULATION No. IV OF 1894.

The Mysore Railways Regulation.

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REGULATION No. IV of 1894.

(Passed on the 13th day of April 1894.)

A Regulation to consolidate, amend and add to the law relating to Railways in the territories of Mysore.

Whereas it is expedient to consolidate, amend and add to the law relating to Railways in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

Preliminary.

Title, extent and commencement.

1. (1) This Regulation may be called "The Mysore Railways Regulation, 1894."

(2) It extends to the whole of the territories of Mysore; and

(3) it shall come into force on the first day of May 1894.

Repeal.

2. (1) On and from that day, Act IV of 1879 (The Indian Railways Act, 1879) is repealed.

(2) But all rules, declarations and appointments made, sanctions and directions given, forms approved, powers conferred, and notifications published under the said Act IV of 1879 shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given, approved, conferred and published under this Regulation.

(3) Any enactment or document referring to the said Act IV of 1879 shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "tramway" means a tramway constructed under the Indian Tramways Act, 1886, or any special law relating to tramways:

(2) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry:

(3) "inland" means any canal, river, lake or navigable water in the territories of Mysore:

(4) "railway" means a railway, or any portion of a railway, for the public carriage of passengers, animals or goods, and includes—

(*a*) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway;

(*b*) all lines of rails, sidings or branches worked over for the purposes of, or in connection with, a railway;

(*c*) all stations, offices, warehouses, work-shops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, a railway; and

(*d*) all ferries, boats and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to or are hired or worked by the authority administering the railway:

(5) "railway company" includes any persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway:

(6) "railway administration" or "administration," in the case of a railway administered by the Government of His Highness the Maharaja, means the Manager of the railway and includes the Government of His Highness the Maharaja, and, in the case of a railway administered by a railway company, means the railway company:

(7) "railway servant" means any person employed by a railway administration in connection with the service of a railway:

(8) "Inspector" means an Inspector of Railways appointed under this Regulation:

(9) "goods" includes inanimate things of every kind:

(10) "rolling-stock" includes locomotive engines, tenders, carriages, waggons, trucks and trollies of all kinds:

(11) "traffic" includes rolling-stock of every description as well as passengers, animals and goods:

(12) "through traffic" means traffic which is carried over the railways of two or more railway administrations:

(13) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods:

(14) "terminals" includes charges in respect of stations, sidings, depôts, warehouses, cranes and other similar matters and of any services rendered thereat:

(15) "pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorising the person to whom it is given to travel as a passenger on a railway gratuitously:

(16) "ticket" includes a single ticket, a return ticket and a season ticket:

Sections 4-5.

(17) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy: and

(18) "Deputy Commissioner" means the chief officer in charge of the land revenue administration of a district, and includes any officer specially appointed by the Government of His Highness the Maharaja to discharge the functions of a Deputy Commissioner under this Regulation.

CHAPTER II.

Inspection of Railways.

Appointment and duties of Inspectors.

4. (1) The Government of His Highness the Maharaja may appoint persons, by name or by virtue of their office, to be Inspectors of Railways.

(2) The duties of an Inspector of Railways shall be—

(*a*) to inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Government of His Highness the Maharaja as required by this Regulation;

(*b*) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the Government of His Highness the Maharaja may direct;

(*c*) to make inquiry under this Regulation into the cause of any accident on a railway;

(*d*) to perform such other duties as are imposed on him by this Regulation or any other enactment for the time being in force relating to railways.

Powers of Inspectors.

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Regulation, be deemed to be a public servant within the meaning of the Indian Penal Code, and, subject to the control of the Government of His Highness the Maharaja, shall for that purpose have the following powers, namely:—

(*a*) to enter upon and inspect any railway or any rolling-stock used thereon:

(*b*) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration;

(*c*) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisers) which it appears to him to be necessary to inspect.

Facilities to be afforded to Inspectors.

6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Regulation.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

Authority of railway administration to execute all necessary works.

7. (1) Subject to the provisions of this Regulation and, in the case of immoveable property not belonging to the railway administration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, and, subject also, in the case of a railway company, to the provisions of any contract between the company and the Government of His Highness the Maharaja, a railway administration may, for the purpose of constructing a railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force,—

(*a*) make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, cuttings and fences as the railway administration thinks proper;

(*b*) alter the course of any rivers, brooks, streams or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams or water-courses or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper;

(*c*) make drains or conduits into, through, or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

(*d*) erect and construct such houses, warehouses, offices and other buildings and such yards, stations, engines, machinery,

apparatus and other works and conveniences as the railway administration thinks proper;

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead; and

(*f*) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(2) The exercise of the powers conferred on a railway administration by sub-section (1) shall be subject to the control of the Government of His Highness the Maharaja.

Alteration of pipes, wires and drains.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this Regulation, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain:

Provided that—

(*a*) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time at which it will begin to do so, to the local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;

(*b*) a local authority, company or person receiving notice under proviso (*a*) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

Temporary entry upon land for repairing or preventing accident.

9. (1) The Government of His Highness the Maharaja may authorise any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

(2) In case of necessity the railway administration may enter upon the lands and do the works aforesaid without having obtained the previous sanction of the Government of His Highness the Maharaja, but in such a case shall, within seventy-two hours after

such entry, make a report to that Government, specifying the nature of the accident, or apprehended accident and of the works necessary to be done, and the power conferred on the railway administration by this sub-section shall cease and determine if the Government of His Highness the Maharaja, after considering the report, consider that the exercise of the power is not necessary for the public safety.

Payment of compensation for damage caused by lawful exercise of powers under section 7, 8 or 9.

10. (1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the three last foregoing sections, and compensation shall be paid for any damage caused by the exercise thereof.

(2) A suit shall not lie to recover such compensation, but in case of dispute the amount thereof shall, on application to the Deputy Commissioner, be determined and paid in accordance, so far as may be, with the provisions of sections 11 to 15, both inclusive, and sections 18 to 42, both inclusive, of the Land Acquisition Act, 1870, and the provisions of sections 57 and 58 of that Act shall apply to the award of compensation.

Accommodation works.

11. (1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely :—

(*a*) such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from the railway as may, in the opinion of the Government of His Highness the Maharaja, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made, and

(*b*) all necessary arches, tunnels, culverts, drains, watercourses or other passages over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Government of His Highness the Maharaja, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) Subject to the other provisions of this Regulation, the works specified in clauses (*a*) and (*b*) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

Section 12.

(3) The foregoing provisions of this section are subject to the following provisos, namely:—

(*a*) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;

(*b*) save as hereinafter in this chapter provided, a railway administration shall not, except on the requisition of the Government of His Highness the Maharaja, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

(*c*) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

(4) The Government of His Highness the Maharaja may appoint a time for the commencement of any work to be executed under sub-section (1), and if for fourteen days next after that time the railway administration fails to commence the work or, having commenced it, fails to proceed diligently to execute it in a sufficient manner, the Government of His Highness the Maharaja may execute it and recover from the railway administration the cost incurred by it in the execution thereof.

Power for owner, occupier or local authority to cause additional accommodation works to be made.

12. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Government of His Highness the Maharaja or local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorised by the Government of His Highness the Maharaja.

Fences, screens, gates and bars.

13. The Government of His Highness the Maharaja may require that, within a time to be specified in the requisition or within such further time as it may appoint in this behalf,—

(*a*) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith;

(*b*) any works in the nature of a screen near to or adjoining the side of any public road constructed before the making of a railway be provided or renewed by a railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals benig frightened by the sight or noise of the rolling-stock moving on the railway;

(*c*) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at places where a railway crosses a public road on the level;

(*d*) persons be employed by a railway administration to open and shut such gates, chains or bars.

Over and under bridges.

14. (1) Where a railway administration has constructed a railway across a public road on the level, the Government of His Highness the Maharaja may at any time, if it appears to it necessary for the public safety, require the railway administration, within such time as it thinks fit, to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the Government of His Highness the Maharaja to be best adapted for removing or diminishing the danger arising from the level-crossing.

(2) The Government of His Highness the Maharaja may require, as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as that Government thinks just.

Removal of trees dangerous to or obstructing the working of a railway.

15. (1) In either of the following cases, namely:—

(*a*) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(*b*) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any Magistrate, fell the tree or deal with it in such other manner as

will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

(2) In case of emergency the power mentioned in sub-section (1) may be exercised by a railway administration without the permission of a Magistrate.

(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(4) Such an award, subject, where made by any Magistrate other than the District Magistrate, to revision by the District Magistrate, shall be final.

(5) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

CHAPTER IV.

Opening of Railways.

Right to use locomotives.

16. (1) A railway administration may, with the previous sanction of the Government of His Highness the Maharaja, use upon a railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby.

(2) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Regulation.

Notice of intended opening of a railway.

17. (1) Subject to the provisions of sub-section (2), a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the Government of His Highness the Maharaja notice in writing of its intention.

(2) The Government of His Highness the Maharaja may in any case, if it thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (1).

Sanction of the Government a condition precedent to the opening of a railway.

18. A railway shall not be opened for the public carriage of passengers until the Government of His Highness the Maharaja or an Inspector empowered by that Government in Council in this behalf, has by order sanctioned the opening thereof for that purpose.

Section 19.

Procedure in sanctioning the opening of a railway.

19. (1) The sanction of the Government of His Highness the Maharaja under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to that Government—

(*a*) that he has made a careful inspection of the railway and rolling-stock ;

(*b*) that the moving and fixed dimensions prescribed by the Government of His Highness the Maharaja have not been infringed ;

(*c*) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling-stock are such as have been prescribed by the Government of His Highness the Maharaja ;

(*d*) that the railway is sufficiently supplied with rolling-stock;

(*e*) that general rules for the working of the railway when opened for the public carriage of passengers have been made, sanctioned and published under this regulation; and

(*f*) that, in his opinion, the railway can be opened for the public carriage of passengers without danger to the public using it.

(2) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion together with the grounds therefor to the Government of His Highness the Maharaja, and that Government may thereupon order the railway administration to postpone the opening of the railway.

(3) An order under the last foregoing sub-section must set forth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Government of His Highness the Maharaja is otherwise satisfied that the railway can be opened without danger to the public using it.

(4) The sanction given under this section may be either absolute or subject to such conditions as the Government of His Highness the Maharaja thinks necessary for the safety of the public.

(5) When sanction for the opening of a railway is given subject to conditions and the railway administration fails to fulfil those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the Government of His Highness the Maharaja.

Sections 20-23.

Application of the provisions of the three last foregoing sections to material alterations of a railway.

20. (1) The provisions of sections 17, 18 and 19 with respect to the opening of a railway shall extend to the opening of the works mentioned in sub-section (2) when those works form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

(2) The works referred to in sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or re-construction materially affecting the structural character of any work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

Exceptional provision.

21. When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored, or the temporary diversion, as the case may be, may, in the absence of the Inspector, be opened for the public carriage of passengers, subject to the following conditions, namely :—

(*a*) that the railway servant in charge of the works undertaken by reason of the accident has certified in writing that the opening of the restored line and works or of the temporary diversion, will not in his opinion be attended with danger to the public using the line and works or the diversion ; and

(*b*) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector appointed for the railway.

Power to make rules with respect to the opening of railways.

22. The Government of His Highness the Maharaja may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 20 (both inclusive) may be dispensed with.

Power to close an opened railway.

23. (1) When, after inspecting any open railway used for the public carriage of passengers, or any rolling-stock used thereon, an Inspector is of opinion that the use of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Government of His Highness the Maharaja, and that Government may thereupon order that the railway be closed for the public carriage of passengers, or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling-stock so specified be used for the public carriage of passengers on such conditions only as the Government of His

Highness the Maharaja may consider necessary for the safety of the public.

(2) An order under sub-section (1) must set forth the grounds on which it is founded.

Re-opening of a closed railway.

24. (1) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers until it has been inspected, and its re-opening sanctioned, in accordance with the provisions of this Regulation.

(2) When the Government of His Highness the Maharaja has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the Government of His Highness the Maharaja has sanctioned its use.

(3) When the Government of His Highness the Maharaja has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by that Government.

Delegation of powers under this chapter to Inspectors.

25. (1) The Government of His Highness the Maharaja may, by general or special order, authorize the discharge of any of its functions under this chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which that Government might have imposed if the sanction or order had been given by itself.

(2) A condition imposed under sub-section (1) shall, for all the purposes of this Regulation, have the same effect as if it were attached to a sanction or order given by the Government of His Highness the Maharaja.

CHAPTER V.

TRAFFIC FACILITIES.

Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.

26. (1) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock.

(2) A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favor of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any

particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(3) A railway administration having or working railways which form part of a continuous line of railway communication, or having its terminus or station within one mile of the terminus or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or station, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(4) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates:

Provided as follows:—

(*a*) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per maund;

(*b*) each forwarding railway administration shall, within the prescribed period after the receipt of such notice, by written notice inform the railway administration requiring the traffic to be forwarded, whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are;

(*c*) if at the expiration of the prescribed period no such objection has been sent by any forwarding railway administration, the rate shall come into operation at the expiration of that period;

(*d*) if an objection to the rate, apportionment or route has been sent within the prescribed period, the same shall be considered and decided by the Government of His Highness the Maharaja;

(*e*) if the objection is to the granting of the rate or to the route, the Government of His Highness the Maharaja shall consider whether the granting of the rate is a due and reasonable

facility in the interests of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as may seem to that Government to be just and reasonable;

(*f*) if the objection is only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the Government of His Highness the Maharaja as to its apportionment shall be retrospective: in the case of any other objection, the operation of the rate shall be suspended until that Government makes its order in the case;

(*g*) the Government of His Highness the Maharaja in apportioning the through rate shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route or any part of the route, as well as any special charge which any railway administration is entitled to make in respect thereof;

(*h*) the Government of His Highness the Maharaja shall not in any case compel any railway administration to accept lower mileage rates than the mileage rates which the administration may for the time being legally be charging for like traffic carried by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival of the through route;

(*i*) subject to the foregoing provisions of this sub-section, the Government of His Highness the Maharaja shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding railway administration out of the through rate than the maximum rate which the railway administration is entitled to charge, and to allow and apportion the through rate accordingly;

(*j*) the prescribed period mentioned in this sub-section shall be one month, or such longer period as the Government of His Highness the Maharaja may by general or special order prescribe.

Undue preference in case of unequal rates for like traffic or services.

27. (1) Whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the railway administration.

(2) In deciding whether a lower charge does or does not amount to an undue preference, the Government of His Highness the Maharaja may, so far as it thinks reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made.

Provision for facilities and equal treatment where boats are used which are not part of a railway.

28. Where a railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to a railway shall extend to the ferry, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Terminals.

29. A railway administration may charge reasonable terminals.

Power of Government to fix terminals.

30. (1) Any question or dispute which may arise with respect to the terminals charged by a railway administration, shall be considered by the Government of His Highness the Maharaja, which shall decide what is a reasonable sum to be paid to the railway administration in respect of terminals.

(2) In deciding the question or dispute, the Government of His Highness the Maharaja shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged, irrespective of the outlay which may have been actually incurred by the railway administration in providing that accommodation.

CHAPTER VI.

Working of Railways.

General.

General rules

31. (1) Every railway company, and, in the case of a railway administered by the Government of His Highness the Maharaja, an officer to be appointed by that Government in this behalf, shall make general rules consistent with this Regulation for the following purposes, namely :—

(*a*) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled;

(*b*) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage;

(*c*) for declaring what shall be deemed to be, for the purposes of this Regulation, dangerous or offensive goods, and for regulating the carriage of such goods;

Section 31.

(*d*) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers;

(*e*) for regulating the conduct of the railway servants;

(*f*) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner; and

(*g*) generally, for regulating the travelling upon, and the use, working and management of the railway. .

(2) The rules may provide that any person committing a breach of any of them shall be punished with fine which may extend to any sum not exceeding fifty rupees, and that, in the case of a rule made under clause (*e*) of sub-section (1), the railway servant shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the railway administration from his pay.

(3) A rule made under this section shall not take effect until it has received the sanction of the Government of His Highness the Maharaja and been published in the official Gazette.

Provided that, where the rule is in the terms of a rule which has already been published at length in the official Gazette, a notification in that Gazette referring to the rule already published and announcing the adoption thereof shall be deemed a publication of a rule in the official Gazette within the meaning of this sub-section.

(4) The Government of His Highness the Maharaja may cancel any rule made under this section, and the authority required by sub-section (1) to make rules thereunder may at any time, with the previous sanction of that Government, rescind or vary any such rule.

(5) Every rule purporting to have been made for any railway under section 5 of the Indian Railway Act, 1879, and appearing from the official Gazette to be intended to apply to the railway at the commencement of this Regulation, shall, notwithstanding any irregularity in the making or publication of the rule, be deemed to have been made and to have taken effect under this section.

(6) Every railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

Sections 32-34.

Disposal of differences between railways regarding conduct of joint traffic.

32. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the Government of His Highness the Maharaja, upon the application of either or any of the administrations, may decide the matters in dispute between them, so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

Agreements with the Government for construction or lease of rolling-stock.

33. Any railway company may from time to time make and carry into effect agreements with the Government of His Highness the Maharaja for the construction of rolling-stock, plant or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery or equipments required for use on a railway, or for the maintenance of rolling-stock.

Powers of railway companies to enter into working agreements.

34. Any railway company may from time to time make with the Government of His Highness the Maharaja and carry into effect, or, with the sanction of that Government, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes :—

(*a*) the working, use, management and maintenance of any railway ;

(*b*) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (*a*) and of officers and servants for the conduct of the traffic of the railway ;

(*c*) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance ;

(*d*) the interchange, accommodation and conveyance of traffic being on, coming from or intended for the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic ;

(*e*) generally, the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on :

Sections 35-37.

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are from time to time respectively authorized to demand and receive from any person, and that every person shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of any railway administrations, parties to the agreement, on the same terms and conditions, and on payment of the same rates, as he would be if the agreement had not been entered into.

Establishment of ferries and roadways for accommodation of traffic.

35. Any railway company may from time to time exercise, with the sanction of the Government of His Highness the Maharaja, all or any of the following powers, namely:—

(*a*) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry;

(*b*) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section;

(*c*) it may provide and maintain on any of its bridges roadways for foot passengers, cattle, carriages, carts or other traffic;

(*d*) it may construct and maintain roads for the accommodation of traffic passing to or from its railway;

(*e*) it may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway;

(*f*) it may charge tolls on the traffic using such ferries, roadways, roads or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Government of His Highness the Maharaja.

Returns.

36. Every railway administration shall, in forms to be prescribed by the Government of His Highness the Maharaja, prepare, half-yearly or at such intervals as that Government may prescribe, such returns of its capital and revenue transactions and of its traffic as the Government of His Highness the Maharaja may require, and shall forward a copy of such returns to the Government of His Highness the Maharaja at such times as it may direct.

Carriage of Property.

Maximum load for wagons.

37. (1) Every railway administration shall determine the maximum load for every wagon or truck in its possession, and shall exhibit the words or figures representing the load so determined in a conspicuous manner on the outside of every such wagon or truck.

Sections 38-39.

(2) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the maximum load for the wagon or truck.

(3) The gross weight of any such wagon or truck bearing on the axle when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the Government of His Highness the Maharaja for the class of axle under wagon or truck.

Power for railway administrations to impose conditions for working traffic.

38. (1) Subject to the control of the Government of His Highness the Maharaja, a railway administration may impose conditions consistent with this Regulation or with any general order under, with respect to the receiving, forwarding or delivering of any animals or goods.

(2) The railway administration shall keep at each station on its railway a copy of the conditions for the time being in force under sub-section (1) at the station, and shall allow any person to inspect it free of charge at all reasonable times.

(3) A railway administration shall not be bound to carry any animal suffering from any infectious or contagious disorder.

Lien for rates, terminals and other charges.

39. (1) If a person fails to pay on demand made by or on behalf of a railway administration any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods, or, if they have been removed from the railway, any other animals or goods of such person then being in or thereafter coming into its possession.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers or, where there are no such newspapers, in such manner as the Government of His Highness the Maharaja may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of animals, the expenses of the feeding, watering, and tending thereof.

(3) Out of the proceeds of the sale the railway administration may retain a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from the railway within a reasonable time any animals or goods which have been detained under sub-section (1) or any animals or goods which have remained unsold after a sale under sub-section (2), the railway administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (3).

(5) Notwithstanding anything in the foregoing sub-s[illegible] the railway administration may recover by suit any such minal or other charge as aforesaid or balance thereof

Disposal of unclaimed things on a railway.

40. (1) When any animals or goods have come [illegible] possession of a railway administration for carriage or otherwise and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the animals or goods.

(2) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the railway administration may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods as nearly as may be under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

Power for railway administrations to require indemnity on delivery of goods in certain cases.

41. Where any animals, goods or sale proceeds in the possession of a railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withhold delivery of the animals, goods or sale proceeds until the person entitled in its opinion to receive them has given an indemnity, to the satisfaction of the railway administration, against the claims of any other person with respect to the animals, goods or sale-proceeds.

Requisitions for written accounts of description of goods.

42. (1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on a railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a

description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

(2) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the railway administration may, (*a*) in respect of goods which have been brought for the purpose of being carried on the Highness the railway, refuse to carry the goods unless in respect thereof conditions, not in any case exceeding the highest rate which may be in rule there time on the railway for any class of goods or, (*b*) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

38.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the railway administration may charge in respect of the carriage of the goods a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

(4) If any difference arises between a railway servant and the owner or person having charge, or the consignee, of any goods, which have been brought to be carried or have been carried on a railway, respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (1), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

Dangerous or offensive goods.]

43. (1) No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.

(2) No person shall take any such goods with him upon a railway without giving notice of their nature to the station-master or other railway servant in charge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carriage upon a railway without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(3) Any railway servant may refuse to receive such goods for carriage, and, when such goods have been so received without such notice as is mentioned in sub-section (1) having to his knowledge been given, may refuse to carry them or may stop them in transit.

(4) If any railway servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (2) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(5) Nothing in this section shall be construed to derogate from the Mysore Explosives Regulation, II of 1888, or any rule under that Regulation, and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the Government of His Highness the Maharaja or the British Government or to any goods which an officer, soldier, sailor or police-officer or a person enrolled as a Volunteer under the Indian Volunteers' Act, 1869, may take with him upon a railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates.

44. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate-books or other documents in which the rate is authorized by the administration or administrations concerned.

Requisitions on railway administrations for details of gross charges

45. (1) Where any charge is made by and paid to a railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each

Sections 46-49.

of the following heads, namely:—

(*a*) the carriage of the goods on the railway;

(*b*) terminals;

(*c*) demurrage; and

(*d*) collection, delivery and other expenses;

but without particularizing the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

Communication between passengers and railway servants in charge of trains.

46. The Government of His Highness the Maharaja may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passengers and the railway servants in charge of the train as that Government has approved.

Maximum number of passengers for each compartment.

47. Every railway administration shall fix, subject to the approval of the Government of His Highness the Maharaja, the maximum number of passengers which may be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment, in English or in Kanarese or both in English and in Kanarese, as the Government of His Highness the Maharaja, after consultation with the railway administration, may determine.

Reservation of compartments for females.

48. (1) On and after the first day of May 1894, every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

(2) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles, be provided with a closet.

Exhibition of time-tables and tables of fares at stations.

49. Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in Kanarese, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which card-tickets are ordinarily issued to passengers at that station.

Supply of tickets on payment of fare.

50. (1) Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth —

(*a*) if the class of carriage to be specified thereon is the lowest class, then in Kanarese, and

(*b*) if the class of carriage to be so specified is any other than the lowest class, then in English.

Provision for case in which tickets have been issued for trains not having room available for additional passengers.

51. (1) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for which the ticket was issued, shall, on returning the ticket within three hours after the departure of the train, be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class, shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled.

Prohibition against travelling without pass or ticket.

52. No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger, unless he has with him a proper pass or ticket.

Exhibition and surrender of passes and tickets.

53. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

Return and season tickets.

54. A return ticket or season ticket shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Power to refuse to carry persons suffering from infectious or contagious disorder.

55. (1) A railway administration may refuse to carry, except in accordance with the conditions prescribed under section 31, sub-section (1), clause (*d*), a person suffering from any infectious or contagious disorder.

(2) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the station-master or other railway servant in charge of the place where he enters upon the railway.

(3) A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATIONS AS CARRIERS.

Measure of the general responsibility of a railway administration as a carrier of animals and goods.

56. (1) The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Regulation, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.

(2) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it —

(*a*) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(*b*) is otherwise in a form approved by the Government of His Highness the Maharaja.

Further provision with respect to the liability of a railway administration as a carrier of animals.

57. (1) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on a railway, shall not in any case exceed, in the case of elephants or horses, five hundred rupees a head, or, in the case of camels or horned cattle, fifty rupees a head, or, in the case of sheep, goats, dogs or other animals, ten rupees a head unless the person sending or delivering them to the administration caused them to be declared, or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, fifty or ten rupees a head, as the case may be.

(2) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against a railway administration for the recovery of compensation for the loss, destruction, or deterioration of any animal, the burden of proving the value of the

animal and, where the animal has been injured, the extent of the injury shall lie upon the person claiming the compensation.

Further provision with respect to the liability of a railway administration as a carrier of luggage.

58. A railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger, unless a railway servant has booked and given a receipt therefor.

Further provision with respect to the liability of a railway administration as a carrier of articles of special value.

59. (1) When any articles mentioned in the schedule hereto annexed are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway administration shall not be responsible for the loss, destruction or deterioration of the parcel or package, unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

Burden of proof in suits in respect of loss of animals or goods.

60. In any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Notification of claims to refunds of overcharges and to compensation for losses.

61. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of the delivery of the animals or goods for carriage by railway.

Sections 62-65.

Exoneration from responsibility in case of goods falsely described.

62. Notwithstanding anything in the foregoing provisions of this chapter, a railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under sub-section (1) of section 42, if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods, if such value were calculated in accordance with the description contained in the false account.

Settlement of compensation for injuries to officers soldiers and followers on duty.

63. Where an officer, soldier or follower, while being or travelling as such on duty upon a railway belonging to, and worked by, the Government of His Highness the Maharaja, loses his life or receives any personal injury in such circumstances that if he were not an officer, soldier or follower being or travelling as such on duty upon the railway, compensation would be payable under Mysore Regulation No. II of 1892 or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military regulations to which he was immediately before his death, or is, subject, be determined in accordance with those regulations, and not otherwise.

Suits for compensation for injury to through-booked traffic.

64. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for compensation for loss of the life of, or personal injury to, a passengers, or for loss, destruction or deterioration of animals or goods where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration from which the passenger obtained his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof, as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred.

Limitation of liability of railway administration in respect of traffic on inland waters by vessel not being part of railway.

65. Where a railway administration under contract to carry animals or goods byany inland water procures the same to be carried in a vessel which is not a railway as defined in this Regulation, the responsibility of the railway administration for the loss, destruction or deterioration of the animals or goods during their carriage in the vessel shall be the same as if the vessel were such a railway.

Sections 66-67.

CHAPTER VIII.

ACCIDENTS.

Report of railway accidents.

66. When any of the following accidents occurs in the course of working a railway, namely : —

(*a*) any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property ;

(*b*) any collision between trains of which one is a train carrying passengers ;

(*c*) the derailment of any train carrying passengers, or of any part of such a train ;

(*d*) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;

(*e*) any accident of any other description which the Government of His Highness the Maharaja may notify in this behalf in the official Gazette ;

the railway administration working the railway and, if the accident happens to a train belonging to any other railway administration, the other railway administration also shall, without unnecessary delay, send notice of the accident to the Government of His Highness the Maharaja and to the Inspector appointed for the railway; and the station-master nearest to the place at which the accident occurred or, where there is no station-master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay, give notice of the accident to the Magistrate of the district in which the accident occurred, and to the officer in charge of the police-station within the local limits of which it occurred, or to such other Magistrate and police-officer as the Government of His Highness the Maharaja appoints in this behalf.

Power to make rules regarding notices of and inquiries into accidents.

67. The Government of His Highness the Maharaja may make rules, consistent with this Regulation and any other enactment for the time being in force, for all or any of the following purposes, namely :—

(*a*) for prescribing the forms of the notices mentioned in the last foregoing section, and the particulars of the accident which those notices are to contain ;

(*b*) for prescribing the class of accidents, of which notice is to be sent by telegraph immediately after the accident has occurred ;

(*c*) for prescribing the duties of railway servants, police-officers, Inspectors and Magistrates on the occurrence of an accident.

Provision for compulsory medical examination of person injured in railway accident.

68. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any Court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of the examination as it or he thinks fit.

CHAPTER IX.

Penalties and Offences.

Forfeitures by Railway Companies.

Penalty for default in compliance with requisition under section 13.

69. If a railway company fails to comply with any requisition made under section 13, it shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the default continues.

Penalty for contravention of sections 16, 18, 19, 20, 21 or 24.

70. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of section 16, sub-section (2), or opens or uses any railway or work in contravention of section 18, section 19, section 20 or section 21, or re-opens any railway or uses any rolling-stock in contravention of section 24, it shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for every day during which the motive power, railway, work or rolling-stock is used in contravention of any of those sections.

Penalty for not having certain documents kept or exhibited at stations under sections 31, 38 or 49.

71. If a railway company fails to comply with the provisions of section 31, sub-section (6), section 38, sub-section (2), or section 49, with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for not making rules as required by section 31.

72. If a railway company fails to comply with the provisions of section 31 with respect to the making of general rules, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Sections 73-78.

Penalty for failure to comply with decision under section 32.

73. If a railway company refuses or neglects to comply with any decision of the Government of His Highness the Maharaja under section 32, it shall forfeit to that Government the sum of two hundred rupees for every day during which the refusal or neglect continues.

Penalty for delay in submitting returns under section 36.

74. If a railway company fails to comply with the provisions of section 36 with respect to the submission of any return it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for neglect of provisions of section 37 or 47 with respect to carrying capacity of rolling-stock.

75. If a railway company contravenes the provisions of section 37 or section 47 with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment, or knowingly suffers any person owning a wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every day during which either section is contravened.

Penalty for failure to comply with requisition under section 46 for maintenance of means of communication between passengers and railway servants.

76. If a railway company fails to comply with any requisition of the Government of His Highness the Maharaja under section 46 for the provision and maintenance in proper order, in any train worked by it, which carries passengers, of such efficient means of communication as that Government has approved, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for each train run in disregard of the requisition.

Penalty for failure to reserve compartments for females under section 48.

77. If a railway company fails to comply with the requirements of section 48 with respect to the reservation of compartments for females or the provision of closets therein, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every train in respect of which the default occurs.

Penalty for omitting to give the notices of accidents required by section 66 and under section 67.

78. If a railway company omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, it shall forfeit to the Government of His Highness the Maharaja the sum of one hundred rupees for every day during which the omission continues.

Sections 79-83.

Recovery of penalties.

79. (1) When a railway company has, through any act or omission, forfeited any sum to the Government of His Highness the Maharaja under the foregoing provisions of this Chapter, the sum shall be recoverable by suit in the District Court having jurisdiction in the place where the act or omission or any part thereof occurred.

(2) The suit must be instituted with the previous sanction of the Government of His Highness the Maharaja, and the plaintiff therein shall be the Dewan of Mysore.

(3) The Government of His Highness the Maharaja may remit the whole or any part of any sum forfeited by a railway company to that Government under the foregoing provisions of this Chapter.

Alternative or supplementary character of remedies afforded by the foregoing provisions of this chapter.

80. Nothing in those provisions shall be construed to preclude the Government of His Highness the Maharaja from resorting to any other mode of proceeding instead of, or in addition to, such a suit as is mentioned in the last foregoing section, for the purpose of compelling a railway company to discharge any obligation imposed upon it by this Regulation.

Offences by Railway Servants.

Breach of duty imposed by section 44.

81. If a railway servant whose duty it is to comply with the provisions of section 44 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Drunkenness.

82. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to one year, or with fine, or with both.

Endangering the safety of persons.

83. If a railway servant, when on duty, endangers the safety of any person—

(*a*) by disobeying any general rule made, sanctioned, published and notified under this Regulation, or

(*b*) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Compelling passengers to enter carriages already full.

84. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Omission to give notice of accident.

85. If a station-master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, he shall be punished with fine which may extend to fifty rupees.

Obstructing level-crossings

86. If a railway servant unnecessarily—

(*a*) allows any rolling-stock to stand across a place where the railway crosses a public road on the level, or

(*b*) keeps a level-crossing closed against the public,

he shall be punished with fine which may extend to twenty rupees.

False returns.

87. If any return which is required by this Regulation is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to one year, or with both.

Other Offences.

Giving false account of goods.

88. If a person requested under section 42 to give an account with respect to any goods gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall be punished with fine which may extend to ten rupees for every maund or part of a maund of the goods, and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Unlawfully bringing dangerous or offensive goods upon a railway.

89. If in contravention of section 43 a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.

Sections 90-94.

Needlessly interferring with means of communication in a train.

90. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees.

Entering compartment reserved or already full or resisting entry into a compartment not full.

91. (1) If a passenger, having entered a compartment which is reserved by a railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 47, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Smoking.

92. (1) If a person, without the consent of his fellow-passengers, if any, in the same compartment, smokes in any compartment except a compartment specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

(2) If any person persists in so smoking after being warned by any railway servant to desist, he may, in addition to incurring the liability mentioned in sub-section (1) be removed by any railway servant from the carriage in which he is travelling.

Defacing public notices.

93. If a person, without authority in this behalf, pulls down, or wilfully injures any board or document set up or posted by order of a railway administration on a railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document, he shall be punished with fine which may extend to fifty rupees.

Fraudulently travelling or attempting to travel without proper pass or ticket.

94. If a person, with intent to defraud a railway administration—

(*a*) enters in contravention of section 52 any carriage on a railway, or

(*b*) uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return ticket, a half thereof which has already been so used,

he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

Section 95.

Travelling without pass or ticket or with insufficient pass or ticket or beyond authorized distance.

95. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or, being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare for the distance which he has travelled, or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined, or, in case of their having been examined more than once, were last examined.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorized by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

3 The excess charge referred to in sub-section (1) and sub-section (2) shall,—

(*a*) where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, be one rupee, two annas, or eight annas, and

(*b*) in any other case, be six rupees, one rupee, or three rupees,

according as the passenger is travelling or has travelled or has attempted to travel in a carriage of the highest class or in a carriage of the lowest class or in a carriage of any other class or kind:

Provided that such excess charge shall in no case exceed,—

(*a*) where the liability to pay it arises under sub-section (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section, or

(*b*) where such liability arises under sub-section (2), the amount of the difference between the fare paid by the passenger

incurring the charge and the fare payable in respect of such journey as he has made.

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf, be recovered by the Magistrate from the passenger as if it were a fine imposed on the passenger by the Magistrate and shall, as it is recovered, be paid to the railway administration.

Transferring return half of return ticket.

96. If a person sells or attempts to sell, or parts or attempts to part with the possession of, the return half of a return ticket in order to enable any other person to travel therewith, or purchases such half of a return ticket, he shall be punished with fine which may extend to fifty rupees, and, if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the return journey authorized by the ticket.

Disposal of fine under the two last foregoing sections.

97. That portion of any fine imposed under section 94 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government of His Highness the Maharaja.

Altering or defacing pass or ticket.

98. If a passenger wilfully alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees.

Being or suffering person to travel on railway with infectious or contagious disorder.

99. (1) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 55, sub-section (2), he, and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

(2) If any such railway servant as is referred to in section 55, sub-section (2), knowing that a person is suffering from any

infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

Entering carriage in motion, or otherwise improperly travelling on a railway.

100. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

101. If a male person, knowing a carriage, compartment, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful excuse, or, having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Drunkenness or nuisance on a railway.

102. If a person in any railway carriage or upon any part of a railway—

(*a*) is in a state of intoxication, or

(*b*) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(*c*) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp,

he shall be punished with fine which may extend to fifty rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Obstructing railway servant in his duty.

103. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Sections 104-107.

Trespass and refusal to desist from trespass.

104. (1) If a person unlawfully enters upon a railway, he shall be punished with fine which may extend to twenty rupees.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

105. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with fine which may extend to twenty rupees.

Opening or not properly shutting gates.

106. In either of the following cases, namely :—

(*a*) if a person knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any animal, vehicle or other thing across the railway,

(*b*) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

Cattle-trespass.

107. (1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

(2) If any cattle are wilfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle, or, at the option of the railway administration, the owner of the cattle, shall be punished with fine which may extend to ten rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

(3) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by section 25 of the Cattle-trespass Act, 1871.

(4) The expression "public road" in sections 11 and 26 of the Cattle-trespass Act, 1871, shall be deemed to include a railway, and any railway servant may exercise the powers conferred on officers of police by the former of those sections.

(5) The word "cattle" has the same meaning in this section as in the Cattle-trespass Act, 1871.

Maliciously wrecking or attempting to wreck a train.

108. If a person unlawfully—

(*a*) puts or throws upon or across any railway any wood, stone or other matter or thing, or

(*b*) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

(*c*) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(*d*) makes or shows, or hides or removes, any signal or light upon or near to any railway, or

(*e*) does or causes to be done or attempts to do any other act or thing in relation to any railway,

with intent, or with knowledge that he is likely, to endanger the safety of any person travelling or being upon the railway, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Maliciously hurting or attempting to hurt persons travelling by railway.

109. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling-stock forming part of a train any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part for the same train, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Endangering safety of persons travelling by railway by wilful act or omission.

110. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

Endangering safety of persons travelling by railway by rash or negligent act or omission.

111. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon a railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Sections 112-114.

Special provision with respect to the commission by children of acts endangering safety of persons travelling by railway.

112. (1) If a minor under the age of twelve years is, with respect to any railway, guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as if it were a fine imposed by itself.

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

Procedure.

Arrest for offences against certain sections.

113. (1) If a person commits any offence mentioned in section 82, 83, 101, 102, 103, 108, 109, 110 or 111 or in section 112, sub-section (1), he may be arrested without warrant or other written authority by any railway servant or police-officer, or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or commit him for trial.

Arrest of persons likely to abscond or unknown.

114. (1) If a person commits any offence under this Regulation other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under section 95, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any railway servant or police-officer, or any other person whom such railway servant or police-officer may call to his aid, may, without warrant or other written authority, arrest him.

(2) The person arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties, for his appearance before a Magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest Magistrate having jurisdiction.

Sections 115-117.

(4) The provisions of Chapters XXXIX and XLII of the Code of Criminal Procedure, 1882, as introduced into Mysore by Regulation I of 1886, shall, so far as may be, apply to bail given and bonds executed under this section.

Magistrates having jurisdiction under Regulation.

115. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the second class shall try any offence under this regulation.

Place of trial.

116. (1) Any person committing any offence against this Regulation or any rule thereunder, shall be triable for such offence in any place in which he may be or which the Government of His Highness the Maharaja may notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published in the official Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at each of such railway stations as the Government of His Highness the Maharaja may direct.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Taxation of railways by local authorities.

117. Notwithstanding anything to the contrary in any enactment, or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of railways and from railway administrations in aid of the funds of local authorities, namely :—

(1) A railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the Government of His Highness the Maharaja has, by notification in the official Gazette, declared the railway administration to be liable to pay the tax.

(2) While a notification of the Government of His Highness the Maharaja under clause (1) of this section is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Government of His Highness the Maharaja may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(3) The Government of His Highness the Maharaja may at any time revoke or vary a notification under clause (1) of this section.

(4) Nothing in this section is to be construed as debarring any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) "Local authority" in this section means a Municipal Committee, District Board or other authority legally entitled to, or entrusted by the Government of His Highness the Maharaja with the control or management of a municipal or local fund, and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river.

Restriction on execution against railway property.

118. (1) None of the rolling-stock, machinery, plant, tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any Court without the previous sanction of the Government of His Highness the Maharaja.

(2) Nothing in sub-section (1) is to be construed as affecting the authority of any Court to attach the earnings of a railway in execution of a decree or order.

Railway servants to be public servants for the purposes of Chapter IX of the Indian Penal Code.

119. (1) Every railway servant shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code.

(2) In the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of sub-section (1), be deemed to include any employer of a railway servant as such.

(3) A railway servant shall not—

(*a*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 39 or section 40, or,

(*b*) in contravention of any direction of the railway administration in this behalf, engage in trade.

(4) Notwithstanding anything in section 21 of the Indian Penal Code, a railway servant shall not be deemed to be a public servant for any of the purposes of that Code except those mentioned in sub-section (1).

Procedure for summary delivery to railway administration of property detained by a railway servant.

120. If a railway servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, any Magistrate of the first class may, on application made by or on behalf of the railway administration, order any police-officer, with proper assistance, to enter upon the building and remove any person found therein and take possession thereof, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or a person appointed by the railway administration in that behalf.

Mode of signifying communications from the Government of His Highness the Maharaja.

121. Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Government of His Highness the Maharaja, for any of the purposes of, or in relation to, this Regulation or any of the powers or provisions therein contained, shall be sufficient and binding if in writing signed by a Secretary, Deputy Secretary, Under-Secretary or Assistant Secretary to the Government of His Highness the Maharaja, or by any other officer or servant authorized to act on behalf of the Government of His Highness the Maharaja in respect of the matters to which the same may relate, and the Government of His Highness the Maharaja shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.

Service of notices on railway administrations.

122. Any notice or other document required or authorized by this Regulation to be served on a railway administration may be served, in the case of a railway administered by the Government of His Highness the Maharaja, on the Manager and, in the case of a railway administered by a railway company, on the Agent in India of the railway company—

(*a*) by delivering the notice or other document to the Manager or Agent, or

(*b*) by leaving it at his office, or

(*c*) by forwarding it by post in a prepaid letter addressed to the Manager or Agent at his office and registered under Part III of the Indian Post Office Act, 1866.*

* See now the Indian Post Office Act, VI of 1898.

Sections 123-126.

Service of notices by railway administrations.

123. Any notice or other document required or authorized by this Regulation to be served on any person by a railway administration may be served—

(*a*) by delivering it to the person, or

(*b*) by leaving it at the usual or last known place of abode of the person, or

(*c*) by forwarding it by post in a prepaid letter addressed to the person at his usual or last known place of abode and registered under Part III of the Indian Post Office Act, 1866. *

Presumption where notice is served by post.

124. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other document was properly addressed and registered.

Provisions with respect to rules.

125. (1) A rule under section 22 or section 67, or the cancellation, rescission or variation of a rule under any of those sections or under section 31, sub-section (4), shall not take effect until it has been published in the official Gazette.

(2) Where any rule made under this Regulation, or the cancellation, rescission or variation of any such rule, is required by this Regulation to be published in the official Gazette, it shall, besides being so published, be further notified to persons affected thereby in such manner as the Government of His Highness the Maharaja, by general or special order, directs.

(3) The Government of His Highness the Maharaja may cancel or vary any rule made by it under this Regulation.

Representation of Managers and Agents of Railways in Courts.

126. (1) The Manager of a railway administered by the Government of His Highness the Maharaja and the Agent in India of a railway administered by a railway company, may, by instrument in writing, authorise any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

(2) A person authorized by a Manager or Agent to conduct prosecutions on behalf of a railway administration shall, notwithstanding anything in section 495 of the Code of Criminal Procedure, 1882, as introduced into Mysore by Regulation I of 1886, be entitled to conduct such prosecutions without the permission of the Magistrate.

* See now the Indian Post Office Act, VI of 1898.

Power to extend Regulation to steam-tramways.

127. The Government of His Highness the Maharaja may, by notification in the official Gazette, extend this Regulation or any portion thereof to any tramway worked by steam or other mechanical power.

Power to exempt railways from Regulation.

128. The Government of His Highness the Maharaja may, by a like notification, exempt any railway from any of the provisions of this Regulation.

Matters supplemental to the definitions of "railway" and "railway servant."

129. (1) For the purposes of section 3, clauses (5), (6), (7) and sections 4 to 19 (both inclusive), 31 to 36 (both inclusive), 43, 63, 66 to 74 (both inclusive), 78, 79, 80, 82, 83, 85, 86, 89, 93, 104, 106 to 114 (both inclusive), 116 to 120 (both inclusive), 122, 123, 126 and 128, the word "railway," whether it occurs alone or as a prefix to another word, has reference to a railway or portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in section 3, clause (4).

(2) For the purposes of sections 5, 21, 66, 82, 83, 85, 86, 103, 104, 107 and 119, sub-sections (1), (2) and (4), and section 120, the expression "railway servant" includes a person employed upon a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

Amendment of the Indian Penal Code.

130. In sections 194 and 195 of the Indian Penal Code, after the words "by this Code" insert the words "or any other law for the time being in force in the territories of Mysore."

SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(*See Section* 59.)

(*a*) Gold and silver, coined or uncoined, manufactured or unmanufactured ;

(*b*) plated articles ;

(*c*) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier, sailor, police-officer or person enrolled as a Volunteer under the Indian Volunteers Act, 1869, or of any public officer, British* or foreign, entitled to wear uniform ;

(*d*) pearls, precious stones, jewellery and trinkets ;

(*e*) watches, clocks, and timepieces of any description.

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* *Sic ;* should be "Mysore."

Schedule.

(*f*) Government securities;

(*g*) Government stamps;

(*h*) bills of exchange, hundis, promissory-notes, bank-notes and orders or other securities for payment of money;

(*i*) maps, writings and title-deeds;

(*j*) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art;

(*k*) art pottery and all articles made of glass, China or marble;

(*l*) silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials;

(*m*) shawls;

(*n*) lace and furs;

(*o*) opium;

(*p*) ivory, ebony, coral and sandalwood;

(*q*) musk, sandalwood-oil and other essential oils used in the preparation of *itr* or other perfume;

(*r*) musical and scientific instruments;

(*s*) any article of special value which the Government of His Highness the Maharaja may, by notification in the official Gazette, add to this schedule.

Sections 1-5.

REGULATION No. V OF 1894.

(PASSED ON THE 22ND DAY OF JULY 1894.)

A Regulation to provide facilities for obtaining the Evidence and Appearance of Prisoners and for service of process upon them.

Preamble. Whereas it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement. **1.** This Regulation may be cited "The Mysore Prisoners' Testimony Regulation, 1894."

It shall extend to the whole of the territories of Mysore, and it shall come into force on the 1st day of August 1894.

Criminal Courts may make orders under Regulation. **2.** Any Criminal Court not inferior to the Court of a Magistrate of the second class may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in Schedule A or B (as the case may be) to this Regulation annexed, directed to the officer in charge of the said jail.

Civil Courts may make orders under Regulation. **3.** Any Civil Court may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Civil Court, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

Court to countersign orders. **4.** When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating orders. Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

Order to be transmitted through Magistrate of District in which person is confined. **5.** When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall

have been made or countersigned to the Magistrate of the district or division of a district in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

Order by Chief Court for removal of person confined more than 100 miles from place where his evidence is required.

6. In any case in which a person is confined in a jail more than one hundred miles distant from the place where any Court subordinate to the Chief Court in which his evidence is required is held, the Judge or the presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Regulation for the purpose of giving evidence in such Court, apply in writing to the Chief Court, and such Chief Court may, if it think fit, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

The Chief Court making the order shall send it to the Magistrate of the district or division of a district in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

Prisoner to be brought up.

7. Upon delivery of any order under this Regulation to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Power to Government to exempt certain prisoners from operation of Regulation.

8. The Government of Mysore may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Regulation, other than those contained in sections 10 and 11, shall not apply to such person or class of persons.

When jailor may disobey orders.

9. When any person named in any order made under sections 2, 3, or 6 appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the district or division of a district in which such jail is situate, and if such Magistrate shall, by writing under his hand, declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending a trial or pending a preliminary investigation;

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Regulation and for taking him back to the jail in which he is confined;

then and in every such case, the officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued, a statement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when the order has been made under section 2, and the person named in the order is confined under committal for trial or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed, and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

Commission for examination of prisoners.

10. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail, who for any of the causes mentioned in section 8 or 9 cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail, situated more than 10 miles distant from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall, under section 4, have declined to countersign the order for removal,

the Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure, for the examination of such person in the jail in which he is confined.

Commission how to be directed.

11. Every commission issued under section 10 shall be directed to the District Court of the district wherein the jail in which such person is confined is situate; and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

Sections 12-15

Process how served on prisoners.

12. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process served to be transmitted at prisoner's request.

13. Every officer in charge of a jail upon whom any such service as is mentioned in section 12 shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *primâ facie* evidence of the service of such process; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same to be so sent through the post office by registered letter.

Deposit of costs.

14. No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court;

Provided that, if upon any application for such order, it appears to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

Power to make rules.

15. It shall be lawful for the Government of Mysore to make rules consistent with this Regulation—

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and charges of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Regulation;

and from time to time to alter and add to the rules so made.

Sections 16-17.—*Schedules A & B.*

Publication of rules.

16. All such rules, alterations and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Power to declare who shall be deemed "officer in charge of jail."

17. The Government of Mysore may also declare in each case what officer shall, for the purposes of this Regulation, be deemed to be "the officer in charge of the jail."

SCHEDULE A.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of , now a prisoner in , under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to give testimony in a cause now pending before [*or* in a certain charge or prosecution now pending before against *or as the case may be*], and after the said shall then and there have given his testimony before the said or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of

A. B.

(*Countersigned*) C. D.

SCHEDULE B.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of , now a prisoner in , under safe and sure conduct before the at the day fo next by of the clock in the forenoon of the same day, there to answer a charge new pending before and, after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him te be eonveyed under safe and sure conduct back to the said jail.

day of

A. B.

(*Countersigned*) C. D.

REGULATION No. VI OF 1894.

(PASSED ON THE 22ND DAY OF JULY 1894.)

A Regulation to further amend the Mysore Civil Courts' Regulation, I of 1883.

Preamble. Whereas it is expedient to further amend the Mysore Civil Courts' Regulation, I of 1883; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a proviso after clause (*c*) of section 4. **1.** After clause (*c*) of section 4, the following shall be inserted, namely:—

"Provided further that in emergent cases, *i. e.*, in the event of the death of a Munsiff, or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the Chief Court may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office."

REGULATION No. VII OF 1894.

The Mysore Land Acquisition Regulation.

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REGULATION No. VII OF 1894.

(PASSED ON THE 25TH DAY OF SEPTEMBER 1894.)

A Regulation to amend the law for the Acquisition of Land for Public Purposes and for Companies.

Preamble. Whereas it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

Short title, extent, and commencement. **1.** (1) This Regulation may be called the Mysore Land Acquisition Regulation, 1894.

(2) It extends to the whole of the territories of Mysore; and

(3) It shall come into force at once.

Repeal. **2.** (1) The Land Acquisition Act, 1870, is hereby repealed.

(2) But all proceedings commenced, officers appointed or authorized, agreements published, and rules made under the said Land Acquisition Act, shall, as far as may be, be deemed to have been respectively commenced, appointed or authorized, published, and made under this Regulation.

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions. **3.** In this Regulation, unless there is something repugnant in the subject or context,—

(*a*) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to any thing attached to the earth:

(*b*) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Regulation; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:

(*c*) the expression "Deputy Commissioner" means the Deputy Commissioner of a district, and includes any officer specially appointed by the Government of Mysore to perform the functions of a Deputy Commissioner under this Regulation:

(*d*) the expression "Court" means a principal Civil Court of original jurisdiction, unless the Government of Mysore has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Regulation:

(*e*) the expression "Company" means a Company registered under the law for the time being in force relating to Companies in the territories of Mysore, or under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent:

(*f*) the expression "public purpose" includes the provision of village sites:

(*g*) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted:

Provided that—

(*i*) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Deputy Commissioner or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(*ii*) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Deputy Commissioner or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(*iii*) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Deputy Commissioner or Court by a next friend, or by a guardian for the case, in proceedings under this Regulation; and

(*iv*) no person "entitled to act" shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

ACQUISITION.

Preliminary Investigation.

Publication of preliminary notification and powers of officers thereupon.

4. (1) Whenever it appears to the Government of Mysore that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Deputy Commissioner shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by the Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the subsoil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries, and line by placing marks and cutting trenches; and

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence, or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Deputy Commissioner or other chief revenue-officer of the district, and such decision shall be final.

Declaration of intended Acquisition.

Declaration that land is required for a public purpose.

6. (1) Subject to the provisions of Part VII of this Regulation, whenever it appears to the Government of Mysore that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders :

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be ; and, after making such a declaration, the Government of Mysore may acquire the land in manner hereinafter appearing.

After declaration, Deputy Commissioner to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Government of Mysore, or some officer authorized by the Government of Mysore in this behalf, shall direct the Deputy Commissioner to take order for the acquisition of the land.

Land to be marked out, measured, and planned.

8. The Deputy Commissioner shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

Notice to persons interested.

9. (1) The Deputy Commissioner shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such lands may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Deputy Commissioner at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Deputy Commissioner may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Deputy Commissioner shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address, or place of business, and registered under Part III of the Indian Post Office Act, 1866.*

Power to require and enforce the making of statements as to names and interests.

10. (1) The Deputy Commissioner may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

* See now the Indian Post Office Act VI of 1898.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Enquiry into Measurements, Value and Claims, and Award by the Deputy Commissioner.

Enquiry and award by Deputy Commissioner.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land, and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

(*i*) the true area of the land;

(*ii*) the compensation which in his opinion should be allowed for the land; and

(*iii*) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Award of Deputy Commissioner when to be final.

12. (1) Such award shall be filed in the Deputy Commissioner's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Deputy Commissioner and the persons interested, whether they have respectively appeared before the Deputy Commissioner or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Deputy Commissioner shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

Adjournment of enquiry.

13. The Deputy Commissioner may, for any cause he thinks fit, from time to time, adjourn the enquiry to a day to be fixed by him.

Power to summon and enforce attendance of witnesses and production of documents.

14. For the purpose of enquiries under this Regulation the Deputy Commissioner shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.

Matters to be considered and neglected.

15. In determining the amount of compensation, the Deputy Commissioner shall be guided by the provisions contained in sections 23 and 24.

Taking Possession.

Power to take possession.

16. When the Deputy Commissioner has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

Special powers in cases of urgency.

17. (1) In cases of urgency, whenever the Government of Mysore so directs, the Deputy Commissioner, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river side or ghat station, or of providing convenient connection with or access to any such station, the Deputy Commissioner may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Government of Mysore, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Provided that the Deputy Commissioner shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Deputy Commissioner shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

Sections 18-19.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference to Court.

18. (1) Any person interested who has not accepted the award, may, by written application to the Deputy Commissioner, require that the matter be referred by the Deputy Commissioner for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

(*a*) if the person making it was present or represented before the Deputy Commissioner at the time when he made his award, within six weeks from the date of the Deputy Commissioner's award;

(*b*) in other cases, within six weeks of the receipt of the notice from the Deputy Commissioner under section 12, sub-section (2), or within six months from the date of the Deputy Commissioner's award, whichever period shall first expire.

Deputy Commissioner's statement to the Court.

19. (1) In making the reference, the Deputy Commissioner shall state, for the information of the Court, in writing under his hand,—

(*a*) the situation and extent of the land, with particulars of any trees, buildings, or standing crops thereon;

(*b*) the names of the persons whom he has reason to think interested in such land;

(*c*) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and,

(*d*) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

Service of notice.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely:—

(*a*) the applicant;

(*b*) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(*c*) if the objection is in regard to the area of the land or to the amount of the compensation, the Deputy Commissioner.

Restriction on scope of proceedings.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings to be in open Court.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the Province shall be entitled to appear, plead, and act (as the case may be) in such proceeding.

Matters to be considered in determining compensation.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Regulation, the Court shall take into consideration—

first, the market value of the land at the date of the publication of the declaration relating thereto under section 6;

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Deputy Commissioner's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Deputy Commissioner's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Deputy Commissioner's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immoveable, in any other manner, or his earnings;

fifthly, if, in consequence of the acquisition of the land by the Deputy Commissioner, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bonâ fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Deputy Commissioner's taking possession of the land.

(2) In addition to the market value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition.

Matters to be neglected in determining compensation.

24. But the Court shall not take into consideration,—

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or,

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Deputy Commissioner after the date of the publication of the declaration under section 6.

Rules as to amount of compensation

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Deputy Commissioner under section 11.

(2) When the applicant has refused to make such claim, or has omitted without sufficient reason to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Deputy Commissioner.

(3) When the applicant has omitted for sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Deputy Commissioner.

Form of awards.

26. Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

Costs.

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Deputy Commissioner is not upheld, the costs shall ordinarily be paid by the Deputy Commissioner unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Deputy Commissioner that some deduction from his costs should be made or that he should pay a part of the Deputy Commissioner's costs.

Deputy Commissioner may be directed to pay interest on excess compensation.

28. If the sum which, in the opinion of the Court, the Deputy Commissioner ought to have awarded as compensation is in excess of the sum which the Deputy Commissioner did award as compensation, the award of the Court may direct that the Deputy Commissioner shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Deputy Commissioner may refer such dispute to the decision of the Court.

Sections 31-32.

PART V.

PAYMENT.

Payment of compensation or deposit of same in Court.

31. (1) On making an award under section 11, the Deputy Commissioner shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Regulation, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Deputy Commissioner may, with the sanction of the Government of Mysore, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable, having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Deputy Commissioner to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

Investment of money deposited in respect of lands

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any

belonging to persons incompetent to alienate.

person who had no power to alienate the same, the Court shall—

(*a*) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(*b*) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would, for the time being, have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(*i*) in the purchase of such other lands as aforesaid; or

(*ii*) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies, the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Deputy Commissioner, namely:—

(*a*) the cost of such investments as aforesaid;

(*b*) the cost of the orders for the payment of the interests or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

Investment of money deposited in other cases.

33. When any money shall have been deposited in Court under this Regulation for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Payment of interest.

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Deputy

Commissioner shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

Temporary Occupation of Land.

Temporary occupation of waste or arable land. Procedure when difference as to compensation exists.

35. (1) Subject to the provisions of Part VII of this Regulation, whenever it appears to the Government of Mysore that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Government of Mysore may direct the Deputy Commissioner to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Deputy Commissioner shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Deputy Commissioner and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Deputy Commissioner shall refer such difference to the decision of the Court.

Power to enter and take possession and compensation on restoration.

36. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the Deputy Commissioner may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Deputy Commissioner shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Government of Mysore shall proceed under

this Regulation to acquire the land as if it was needed permanently for a public purpose or for a Company.

Difference as to condition of land.

37. In case the Deputy Commissioner and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Deputy Commissioner shall refer such difference to the decision of the Court.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

Company may be authorized to enter and survey.

38. (1) The Government of Mysore may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

Previous consent of Government and execution of agreement necessary.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Government of Mysore, nor unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry.

40. (1) Such consent shall not be given unless the Government of Mysore be satisfied, by an enquiry held as hereinafter provided,—

(*a*) that such acquisition is needed for the construction of some work, and

(*b*) that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the Government of Mysore shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Government of Mysore.

41. Such officer shall report to the Government of Mysore the result of the enquiry, and, if it is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as it may from time to time prescribe in this behalf, require

the Company to enter into an agreement with the Government of Mysore providing for the following matters, namely :—

(1) the payment to Government of the cost of the acquisition ;

(2) the transfer, on such payment, of the land to the Company ;

(3) the terms on which the land shall be held by the Company ;

(4) the time within which, and the conditions on which, the work shall be executed and maintained ; and

(5) the terms on which the public shall be entitled to use the work.

Publication of agreement.

42. Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Regulation.

Sections 39 to 42 not to apply where Government bound to provide land for Companies.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which the Government is, or was, bound to provide land.

How such obligation may be proved.

44. The obligation mentioned in section 43 may be proved by any memorandum, certificate, or order, issued by Government.

PART VIII.

MISCELLANEOUS.

Service of notices.

45. (1) Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Deputy Commissioner or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him ; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in

the office of the officer aforesaid or of the Deputy Commissioner or in the Court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Deputy Commissioner or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address, or place of business, and registered under Part III of the Indian Post Office Act, 1866,* and service of it may be proved by the production of the addressee's receipt.

Penalty for obstructing acquisition of land.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Magistrate to enforce surrender.

47. If the Deputy Commissioner is opposed or impeded in taking possession under this Regulation of any land, he shall, if a Magistrate enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate who shall enforce the surrender of the land to the Deputy Commissioner.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Deputy Commissioner shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Regulation relating to the said land.

(3) The provisions of Part III of this Regulation shall apply, so far as may be, to the determination of the compensation payable under this section.

Acquisition of part of house or building.

49. (1) The provisions of this Regulation shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building, if the owner desire that the whole of such house, manufactory, or building, shall be so acquired:

Provided that the owner may, at any time before the Deputy Commissioner has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory, or building, shall be so acquired:

* See now the Indian Post Office Act, VI of 1898.

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Regulation does or not form part of a house, manufactory, or building within the meaning of this section, the Deputy Commissioner shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory, or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the Government of Mysore is of opinion that the claim is unreasonable or excessive, it may, at any time before the Deputy Commissioner has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Deputy Commissioner shall without delay furnish a copy of the order of the Government of Mysore to the person interested, and shall thereafter proceed to make his award under section 11.

Acquisition of land at cost of a local authority or Company.

50. (1) Where the provisions of this Regulation are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Deputy Commissioner or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

Exemption from stamp-duty and fees.

51. No award or agreement made under this Regulation shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Notice in case of suits for anything done in

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Regulation, without giving to such person a month's previous

Pursuance of regulation.

notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Code of Civil Procedure to apply to proceedings before Court.

53. Save in so far as they may be inconsistent with anything contained in this Regulation, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Regulation.

Appeals in proceedings before Court.

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the Chief Court from the award or from any part of the award of the Court in any proceedings under this Regulation.

Power to make rules.

55. (1) The Government of Mysore shall have power to make rules consistent with this Regulation for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

(2) All such rules, alterations, and additions, shall be published in the official Gazette, and shall thereupon have the force of law.

REGULATION No. VIII OF 1894.

(PASSED ON THE 29TH DAY OF SEPTEMBER 1894.)

A Regulation to amend the Indian Registration Act, III of 1877,* as in force in Mysore.

Whereas it is expedient to amend Act III of 1877 (The Indian Registration Act,) as it is in force in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:—

In Section 88 of the said Act, after the words "Registrar of a High Court" add the words "or for the Post Master General of Madras," and for the words "or Registrar" in the second paragraph of the same section, read the words "Registrar or Post Master General."

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* The Indian Registration Act, III of 1877, as in force in Mysore, is printed at pages 383-417, Vol. I, Mysore Code.

REGULATION No. IX OF 1894.

(PASSED ON THE 29TH DAY OF SEPTEMBER 1894.)

A Regulation relating to Government Securities.

Preamble. Whereas it is expedient to provide a law relating to Government securities; His Highness the Maharaja is pleased to enact as follows:—

Short title and commencement. **1.** (1) This Regulation may be called "The Government Securities Regulation, 1894"; and

(2) It shall come into force on the 1st day of November 1894.

(3) The power conferred on the Government of Mysore by section 6, sub-section (1), may be exercised at any time after the passing of this Regulation; but a notification issued in exercise of that power shall not take effect until the Regulation comes into force.

Definitions. **2.** In this Regulation—

(1) "Government Security" includes promissory notes, debentures, and all other securities issued by the Government of Mysore in respect of any loan contracted either before or after the passing of this Regulation, and

(2) "prescribed" means prescribed by rules made by the Government of Mysore.

Notice of trust not receivable. **3.** No notice of any trust in respect of any Government Security shall be receivable by the Government.

Right of survivors of joint payees of Government securities. **4.** (1) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Regulation comes into force.

Sections 5-7.

Prohibition of indorsements on allonges to Government securities.

5. Notwithstanding anything in any law in force in Mysore, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

Holding of Government securities by holders for the time being of public offices.

6. (1) In the case of any public office to which the Government of Mysore may, from time to time, by notification in the official Gazette, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

(2) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(3) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(5) This section applies as well to an office of which there are two or more joint-holders as to an office of which there is a single holder.

Transfer and discharge of certificates and coupons.

7. (1) Whenever the Government of Mysore has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

(2) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

Indorser of Government security not liable for amount thereof.

8. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

Impression of signature on Government securities.

9. (1) The signature of the office of the Government of Mysore authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Government may direct, on the securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper hand-writing of the officer.

Issue of renewed securities.

10. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

Issue of duplicate securities.

11. (1) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

(*a*) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(*b*) the issue after the prescribed period of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the official Gazette at such times as the Government of Mysore may, from time to time, direct.

Period after which the Government is released from liabilty.

12. When a renewed security has been issued under section 10, or a duplicate security has been issued under section 11, the Government shall be discharged from all liability in respect of the

original security of which the renewed or duplicate security has been issued— in respect of original security.

(*a*) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(*b*) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 11, sub-section (3), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

13. The Government of Mysore may, from time to time, make rules to prescribe— Power of Government to make rules.

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(*c*) the fees to be paid in respect of applications under sections 10 and 11;

(*d*) the form in which securities delivered for renewal are to be receipted;

(*e*) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 10 and 11;

(*f*) the proof which is to be produced by persons applying for duplicate securities;

(*g*) the form and mode of publication of the notification mentioned in section 11, and the period after which interest may be paid or a duplicate security may be issued under that section;

(*h*) the nature and amount of the indemnity to be given by a person applying under section 11 for the payment of interest or the issue of a duplicate security; and,

(*i*) generally, all matters connected with the grant of renewed and duplicate securities.

14. (1) The Government of Mysore shall, before making rules under section 13, publish a draft of the proposed rules in such manner as may, in its opinion, be sufficient for the information of the public. Publication of drafts and rules.

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

Section 14.

(3) The Government of Mysore shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under section 13 shall be published in the official Gazette, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

REGULATION No. X OF 1894.

(PASSED ON THE 5TH DAY OF OCTOBER 1894.)

A Regulation to Prevent Infant Marriages in the Territories of Mysore.

Whereas it is expedient to prevent infant marriages in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:— Preamble.

1. This Regulation may be called "The Mysore Infant Marriages Prevention Regulation." Short title.

(2) It shall extend to the whole of the territories of Mysore, but it shall apply only to marriages among the Hindus. It shal come into operation at the expiration of six months from the date of its publication in the official Gazette. Extent and commencement.

2. For the purposes of this Regulation, an "infant girl" means a girl who has not completed eight years of age. Definition.

3. Any person who causes the marriage of an infant girl, or who knowingly aids and abets within the meaning of the Indian Penal Code such a marriage, and any man who having completed eighteen years of age marries an infant girl, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both. Punishment for causing or abetting infant marriages.

4. Any man who having completed fifty years of age marries a girl who has not completed fourteen years of age, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Punishment of a man above fifty years marrying a girl under fourteen.

5. Any person who causes the marriage of a girl who has not completed fourteen years of age, with a man who has completed fifty years of age, and any person who knowingly aids and abets, within the meaning of the Indian Penal Code, such a marriage, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both. Punishment for abetment of offence provided against in section 4.

Sections 6-8.

Offences under the Regulation by whom triable.

6. No offence punishable under this Regulation shall be tried by any Court inferior to that of a Magistrate of the District.

Validity of marriages not to be affected by reason of the penalties provided.

7. No marriage which has actually taken place, shall be deemed to be invalid on the ground of the penalties provided by this Regulation.

No prosecution to be instituted without the previous sanction of Government.

8. No prosecution under this Regulation shall be instituted without the previous written sanction of the Government accorded after such enquiry as the Government may deem fit to make.

REGULATION No. XI OF 1894.

The Mysore Inventions and Designs Regulation.

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REGULATION No. XI OF 1894.

(PASSED ON THE 26TH DAY OF NOVEMBER 1894.)

A Regulation relating to the Protection of Inventions and Designs.

Whereas it is expedient to provide a law for the protection of inventions and designs; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Mysore Inventions and Designs Regulation, 1894;

(2) It shall extend to the whole of the territories of Mysore; and

(3) It shall come into force from the date of its publication in the *Mysore Gazette*.

Repeal.

2. The enactment described in the first schedule is hereby repealed to the extent specified in the third column thereof.

Division of Regulation into Parts.

3. The remainder of this Regulation is divided into Parts, as follows—

PART I. INVENTIONS, PART II. DESIGNS.

PART I.—INVENTIONS.

Definitions.

4. In this Part, unless there is something repugnant in the subject or context,—

(1) "invention" includes an improvement:

(2) "inventor" does not include the importer into the territories of Mysore of a new invention unless he is the actual inventor:

(3) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not:

(4) "assign" includes a grantee of the exclusive privilege of making, selling, or using an invention, or of authorizing others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term:

(5) "inventor," "actual inventor," and "applicant" include the executors, administrators, or assigns of an inventor, actual inventor, and applicant, as the case may be:

(6) "manufacture" includes any art, process, or manner of producing, preparing, or making an article, and also any article repared or produced by manufacture:

(7) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance:

(8) "Chief Sercetary" means the Chief Secretary to the Government of Mysore appointed by that Government to discharge the functions of the Chief Secretary under this Regulation, and includes any Under-Secretary, Assistant Secretary or other officer subordinate to the Government of Mysore to the extent to which such officer may be authorized by general or special order of the Government of Mysore to discharge any of those functions:

(9) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure: and

(10) "Chief Court" has the meaning assigned to that expression by the Mysore Chief Court Regulation, No. I of 1884.

Application for leave to file specification.

5. (1) The inventor of a new manufacture may apply to the Government of Mysore for leave to file a specification thereof.

(2) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom or acquired an exclusive privilege in British India, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom or acquired an exclusive privilege in British India.

(3) It must state the name, occupation, and address of the applicant, and, where a patent has been obtained in the United Kingdom or an exclusive privilege acquired in British India, the date of the patent and the date of the actual sealing thereof, or the date of the acquisition of the exclusive privilege, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Government of Mysore may see fit to require from the applicant.

(4) If in any case it appears to the Government of Mysore that an application ought to be further supplemented by a model of anything alleged to constitute an invention, it may require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

Order to file specification.

6. (1) Upon an application under the last foregoing section, the Government of Mysore may, after such inquiry as it thinks fit, make an order authorizing the applicant to file a specification of the invention.

(2) Before making an order under sub-section (1), the Government of Mysore may direct that the application be referred for inquiry and report to any person whom it thinks fit.

(3) When such inquiry and report are made by a person who is not in the service of the Government of Mysore, there shall be payable to that person by the applicant such fee as the Government of Mysore, after considering the report, may determine.

(4) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Government of Mysore may by rule or otherwise prescribe, such sum as will, in the opinion of the Chief Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (3).

(5) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(6) If the fee as determined by the Government of Mysore exceeds the sum so deposited, an order shall not be made under sub-section (1) until the applicant has paid the balance of the fee.

(7) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

Applications in respect of contemporaneous inventions.

7. (1) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Government of Mysore to be identical or so similar as to be practically identical, the Government of Mysore may, in its discretion, authorize both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(2) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall be deemed to have a preferential claim to an order authorizing the filing of his specification.

Acquisition and continuance of exclusive privilege.

8. (1) If within six months from the date of an order under section 6, sub-section (1), or within such further time, not exceeding three months, as the Government of Mysore, in its discretion, may, on cause shown to its satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in

the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling, and using the invention in the territories of Mysore, and of authorizing others so to do, for a term of fourteen years from the date of the filing of the specification.

(2) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease, if the inventor fails to pay, within the time limited in that behalf by the fourth schedule, any fee prescribed in that schedule in respect of the continuance of the privilege.

(3) If, nevertheless, in any case, by accident, mistake, or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Government of Mysore for an enlargement of the time for making the payment.

(4) Thereupon the Government of Mysore may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule, and subject to the following conditions, namely:—

(*a*) the time for making a payment shall not in any case be enlarged for more than three months; and

(*b*) if any suit is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

Form and contents of specification.

9. (1) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(2) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(3) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

Sections 10-13.

Mode of filing application and specification.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Chief Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

Delivery and distribution of copies of specification.

11. (1) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Chief Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(2) One of these copies shall be retained by the Chief Secretary, and the others shall be sent to such authorities as the Government of Mysore may appoint in this behalf.

(3) The copies of the specification which are sent under sub-section (2) to the authorities mentioned shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

Register of inventions.

12. (1) A book, to be called the register of inventions shall be kept in the office of the Chief Secretary, wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(2) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt and shall be entered in the register of inventions in the order of their respective numbers.

(3) A reference shall be made in that register, in the margin of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

Address-book.

13. (1) Another book, to be called the Address-Book, shall be kept in the office of the Chief Secretary, wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested, may from time to time cause to be stated some place in the territories of Mysore where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(2) A reference to each entry in the address-book shall be made in the register of inventions in the margin of the entry in that register of the application for leave to file the specification.

Provisions with respect to the register and book.

14. Every entry in the register of inventions or address-book, and every document entered and recorded in the register shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document, and shall be open to the inspection of any person at all reasonable times at the office of the Chief Secretary.

Extension of exclusive privilege.

15. (1) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege acquired under section 8, apply to the Government of Mysore for an extension of the privilege for a further term.

(2) When an application is made under sub-section (1), the Government of Mysore may, if it thinks fit, refer it to the Chief Court for report.

(3) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(4) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(5) If the Government of Mysore is of opinion, or, where a reference has been made under sub-section (2), if the Court reports, that the inventor has been inadequately remunerated by his exclusive privilege, the Government of Mysore may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven, or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(6) But an exclusive privilege of which the term has been extended under the last foregoing sub-section, shall, notwithstanding anything in that sub-section, cease if the inventor fails

to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

Imposition of conditions with respect to exclusive privilege.

16. An order under section 6, sub-section (1), authorizing the filing of a specification, or under section 15, sub-section (5), extending the term of an exclusive privilege, may be made subject to such conditions as the Government of Mysore thinks expedient.

Exclusive privilege to bind the Government.

17. (1) Subject to any conditions imposed under the last foregoing section—

(*a*) with respect to the filing, by a person employed in the service of the Government of Mysore, of the specification of a manufacture invented by him in the course of his employment, or

(*b*) with respect to the extension, in favor of any person, of the term of an exclusive privilege,

an exclusive privilege acquired under this Part shall have to all intents the like effect as against the Government of Mysore as it has against a subject.

(2) But the officers or authorities administering any department of the service of the Government of Mysore may, by themselves, their agents, contractors, or others, at any time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Government of Mysore, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Government of Mysore.

Application for leave to file memorandum or amended specification.

18. (1) If, after the filing of the specification, the applicant has reason to believe that through mistake or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the Government of Mysore for leave to file a memorandum pointing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2) The application must be in writing signed by the applicant, and must state how the error, defect, or insufficiency occurred and that it was not fraudulently intended.

(3) Upon the application the Government of Mysore may make an order allowing the memorandum or amended specification to be filed.

(4) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

Effect of amended specification.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed:

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

Bar to exclusive privilege in certain cases.

20. A person shall not be entitled to an exclusive privilege under this Part—

(*a*) if the invention is of no utility, or

(*b*) if the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this Part, or

(*c*) if the applicant is not the inventor thereof, or

(*d*) if the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

(*f*) if the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of the territories of Mysore.

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not, before the date of the delivery or receipt of the application for leave to file the specification thereof, been publicly used in any part of the territories of Mysore or of British India or of the United Kingdom, or been made publicly known in any part of the territories of Mysore or of British India or of the United Kingdom, by means of a written publication.

Effect of public use or knowledge of invention in fraud of inventor.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor or has been communicated to the public in fraud of the inventor or in breach of confidence:

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

Effect of temporary use of invention in public by inventor or by his leave.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

Effect of public use or knowledge of patented invention between application for patent and application to file specification.

24. If an inventor who has obtained a patent for his invention in the United Kingdom or acquired an exclusive privilege in British India causes an application for leave to file a specification of the invention under this Part to be delivered to or received by the Chief Secretary within twelve months from the date of the actual sealing of the patent, or the acquisition of an exclusive privilege, the invention shall be deemed a new invention within the meaning of this Part if it was not publicly used or known in any part of the territories of Mysore at or before the date of the application for the patent or the exclusive privilege, notwithstanding that it may have been publicly used or known in some part of the territories of Mysore or of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

Effect of like public use or knowledge of unpatented invention.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent or exclusive privilege is pending in the United Kingdom or British India, and the interval between the date of his application for the patent or exclusive privilege and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of the territories of Mysore or of British India or of the United Kingdon during the interval.

Effect of public use or knowledge of invention after admission to an exhibition.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Government of Mysore causes an application for leave to file a specification of the invention to be delivered to or received by the Chief Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

Cessation of exclusive privilege by order of the Government.

27. (1) An exclusive privilege acquired under this Part shall cease if the Government of Mysore declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

(2) It shall also cease if a breach of any condition on which the applicant was authorized to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to the Chief Court proved to the satisfaction of that Court, and if the Government of Mysore thereupon declares the privilege to have ceased.

Cessation of exclusive privilege on revocation or expiration of patent.

28. (1) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom or an exclusive privilege acquired in British India, shall cease on the revocation or expiration of the patent or exclusive privilege.

(2) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom or an exclusive privilege acquired in British India, shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

Suit for infringement of exclusive privilege.

29. (1) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him under this Part in respect of an invention, makes, sells, or uses the invention without his license, or counterfeits or imitates it.

(2) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility:

(3) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell, or use the invention, or to counterfeit or imitate it, as the case may be:

(4) Nor shall it be defended upon the ground that the invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some part of the territories of Mysore or of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

Application to declare exclusive privilege in respect of an invention not to have been acquired.

30. Any person may apply to the Chief Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that the invention is of no utility, or

(*b*) that the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor thereof, or

(*d*) that the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) that the applicant has knowingly or fraudulently included in the application for leave to file the specification or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor, or

(*f*) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or

(*g*) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

Like application as to part of an invention.

31. Any person may apply to the Chief Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of any part of an invention, to be specified in

the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that that part of the invention is wholly distinct from the other parts thereof and is of no utility, or

(*b*) that that part of the invention was not, at the date of the delivery of receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor of that part of the invention, or

(*d*) that that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

Security for costs of application under either of the two last foregoing sections

32. The Chief Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule.

Application on breach of condition.

33. (1) Any person authorized by the Government of Mysore in this behalf may apply to the Chief Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Government of Mysore, depend, should not be tried in the form of an issue directed by the Court.

(2) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried, and certify the result of trial to the Government of Mysore.

Notice of proceedings to persons interested.

34. (1) Notice of any rule obtained or proceeding taken under section 30, section 31 or section 33 shall be served on all persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering the copy to any person resident at or in charge of the place, or, if there is no person resident at or in charge of the place, or if the place is not within the local limits of

the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

Framing issue for trial before other Court.

35. (1) The Chief Court may, if it thinks fit, direct an issue for the trial, before itself or any District Court, of any question of fact arising upon an application under section 30, section 31 or section 33, and the issue shall be tried accordingly.

(2) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(3) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the Chief Court, and the Chief Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Order on application.

36. (1) If it appears to the Chief Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2) If it appears to the Chief Court, at the hearing of any such application as last aforesaid, that the applicant has, in the description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect or insufficiency: or

(3) If it appears to the Chief Court that the error, defect or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective or insufficient; and thereupon

the applicant shall, within a time to be limited by the Court for the purpose, file in the office of the Chief Secretary a specification amended according to the order.

(4) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

Delivery of particulars.

37. (1) In a suit for the infringement of an exclusive privilege acquired under this Part, the plaintiff shall deliver with his plaint particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2) In like manner, upon an application to the Chief Court under section 30, section 31 or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(4) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

Title of actual inventor to exclusive privilege in case of fraud.

38. If, in a suit instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor, and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtaind by himself or by some other person surreptitiously or in fraud of the actual inventor or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the applicant to pay.

Transmission of copies of decrees and orders to the Chief Secretary.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31 or section 33, shall send a copy of the decree or order, as the case may be, to the Chief Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

40. In the following cases, namely :—

Registration of cessation of exclusive privilege.

(*a*) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired ;

(*b*) when an exclusive privilege acquired under this Part has been declared by the Government of Mysore under section 27 to have ceased ;

(*c*) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege ;

(*d*) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section ;

(*e*) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38;

(*f*) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired;

the Chief Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

Rectification of register of inventionsor address-book.

41. (1) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to the Chief Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(2) A copy of the order shall be forwarded by the Court to the Chief Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(3) When the Chief Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Chief Secretary.

Power for Governmentto require grant of licenses.

42. If on the petition of any person interested it is proved to the Government of Mysore that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licenses on reasonable terms,—

(*a*) the exclusive privilege is not being worked in the territories of Mysore, or

(*b*) the reasonable requirements of the public with respect to the invention cannot be supplied, or

(*c*) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Government of Mysore may order the inventor to grant, or may itself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Government of Mysore, having regard to the nature of the invention and the circumstances of the case, may deem just.

Assignment for particular places.

43. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area, may, subject to the conditions of his title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

Subscription of specifications and applications.

44. If an applicant is absent from the territories of Mysore, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in the territories of Mysore authorized by him in writing in that behalf.

Verification of applications.

45. (1) An application under this Part for leave to file a specification, memorandum, or amended specification must be verified by the person making the application.

(2) If that person is absent from the territories of Mysore, the application may be verified by the agent who signs the application on his behalf.

(3) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

Agents.

46. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorized by this Part to be done by any person, may be done on his behalf by an agent in the territories of Mysore having authority in writing from that person so to do the act.

Fees.

47. (1) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(2) The Government of Mysore may, if it thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Government of Mysore directs.

(4) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

48. (1) The Government of Mysore may make such rules and prescribe such forms as it thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(2) Rules under this section may provide among other matters, for the printing of specifications, memoranda, and amended specifications, and for the distribution or sale of printed copies thereof.

PART II—DESIGNS.

Definitions.

49. In this Part, unless there is something repugnant in the subject or context,—

(1) "design" means some peculiar shape, configuration or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself:

(2) "copyright" means the exclusive right to apply a design to an article:

(3) the author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case that person shall be considered the "proprietor," and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to an article, either exclusively of any other person or otherwise, and also every person on whom the property in the design or the right to the application thereof shall devolve, shall be considered the "proprietor" of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise: and

(4) "Chief Secretary," "District Court" and "Chief Court" have the same meanings as in Part I.

Application for order for registration of design.

50. (1) Any person claiming to be the proprietor of any new and original design not previously published in the territories of Mysore, may apply to the Government of Mysore for an order for the registration of the design.

(2) The application must be in writing in the form or to the effect of the fifth schedule, and must contain a statement of the nature of the design, and be accompanied by as many copies of drawings, photographs or tracings thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(3) It must be left with, or sent by post to, the Chief Secretary, and the date of the delivery or receipt thereof in the office of the Chief Secretary shall be endorsed thereon and recorded in that office.

Registration in register of designs.

51. (1) Upon the application, the Government of Mysore may, after such inquiry as it thinks fit, make an order authorizing the registration of the design.

(2) When an order has been made under sub-section (1), the Chief Secretary shall cause the design to be registered in a book to be kept by him for the purpose and to be called the register of designs.

(3) The date of registration shall be recorded in the register.

Acquisition of copyright.

52. When a design is registered, the proprietor thereof shall, subject to the other provisions of this Part, have copyright in the design during five years from the date of registration.

Marking registered designs.

53. (1) Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall cause the article to be marked with the word "registered" either in full or in an abbreviated form.

(2) If he fails to cause the article to be so marked, the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Effect of exhibiting unregistered designs at exhibitions.

54. If the proprietor of a design exhibited at an industrial or international exhibition, certified as such by the Government of Mysore, causes an application for an order for the registration of the design to be delivered to or received by the Chief Secretary within six months from the date of the admission of the design into that exhibition, the design shall not be deemed not to be a new and original design not previously published in the territories of Mysore within the meaning of section 50 by reason only of the design having been exhibited at the exhibition.

Mutation of names in register of designs.

55. Any person in whom the copyright in a design has become vested may apply to the Chief Secretary for the entry of his name in the register of designs as proprietor of the copyright, and the Chief Secretary may, if he sees fit, cause the entry to be made.

Suit for infringement of copyright.

56. (1) The registered proprietor of a design may institute a suit in the District Court for the recovery of any damages arising from the application by any person to any article of the design or of any fraudulent or obvious imitation thereof for the purpose of sale, or from the publication, sale or exposure for sale

by any person of any article to which the design, or any fraudulent or obvious imitation thereof has been applied, that person knowing or having reason to believe that the proprietor had not given his consent to such application.

(2) When the Court makes a decree in a suit under this section, it shall send a copy of the decree to the Chief Secretary, who shall cause an entry thereof to be made in the register of designs.

Registration of cessation of copyright.

57. When, from the expiration of the term of a copyright or from any other cause, the copyright in a design has ceased, the Chief Secretary shall cause an entry with respect to the cessation of the right to be made in the register of designs.

Rectification of register of designs.

58. (1) The Chief Court may, on the application of any person aggrieved by an entry in the register of designs, or by the omission of an entry therefrom, make such order for the rectification of the register as it thinks fit.

(2) An order under sub-section (1) may declare copyright in a design not to have been acquired.

(3) A copy of the order shall be forwarded by the Court to the Chief Secretary, who shall cause an entry thereof to be made in the register of designs.

(4) When the Chief Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Chief Secretary.

Application to this Part of certain provisions of Part I.

59. The provisions of the following portions of the Part I, namely—

(*a*) section 11, with respect to copies of specifications,

(*b*) section 14, with respect to the register of inventions and the matters entered therein, and

(*c*) section 46, with respect to the performance by an agent of any act required or authorized by that Part to be done by a principal,

shall, so far as they can be made applicable, apply respectively, to—

(*a*) copies of drawings, photographs, or tracings accompanying an application for an order for the registration of a design in respect of which such an order has been made,

(*b*) the register of designs and the matters entered and documents referred to therein, and

(*c*) the performance by an agent of any act required or authorized by this Part to be done by a principal.

Sections 60-61.

60. (1) There shall be paid in respect of the several proceedings specified in the sixth schedule the fees in that schedule prescribed. Fees.

(2) The Government of Mysore may, if it thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Government of Mysore may direct.

(4) A proceeding in respect of which a fee is payable under the sixth schedule shall be of no effect unless the fee has been paid.

61. The Government of Mysore may make such rules and prescribe such forms as it thinks necessary for carrying out the purposes of this Part, and may alter or amend the form in the fifth schedule. Rules and forms.

THE FIRST SCHEDULE.

ENACTMENT REPEALED.

(*See section* 2.)

Number and year.	Subject or title.	Extent of repeal.
I of 1879 ...	Indian Stamp Act, 1879 ...	Article 48, Schedule 1.

THE SECOND SCHEDULE.

APPLICATION WHERE PATENT OR EXCLUSIVE PRIVILEGE HAS NOT BEEN ACQUIRED.

(*See sections* 5 *and* 48.)

TO THE DEWAN OF MYSORE.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Mysore Inventions and Designs Regulation, 1894.

1. The applicant is in possession of an invention for (*state the title of the invention*); he is the inventor thereof (*or, as the case may be*, the executor, administrator, or assign of the inventor); and, to the best of his information and belief, the invention is new within the meaning of Part I of the Mysore Inventions and Designs

Regulation, 1894, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention. (*Here state whether an application has or has not at any time been made for a patent, in the United Kingdom or an exclusive privilege in British India, by or on behalf of the applicant in respect of the invention, and if any such application has been made, describe the progress of that application, adding a reference to every place in the official patent journal, or Gazette of India, where mention of the application, or of any proceeding thereon, is made.*)

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists.*)

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Mysore Inventions and Designs Regulation, 1894.

(*Signature and verification.*)

THE THIRD SCHEDULE.

APPLICATION WHERE PATENT OR EXCLUSIVE PRIVILEGE HAS BEEN ACQUIRED

(*See sections* 5 *and* 48.)

TO—THE DEWAN OF MYSORE.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Mysore Inventions and Designs Regulation, 1894.

1. The applicant (*or, as the case may be, A .B. of whom the applicant is the executor, administrator or asssign*) has obtained a patent in the United Kingdom or acquired an exclusive privilege in British India dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention.*)

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I of the Mysore Inventions and Designs Regulation, 1894, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

Schedules.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists.*)

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Mysore Inventions and Designs Regulation, 1894.

(*Signature and verification.*)

THE FOURTH SCHEDULE.

FEES (*Inventions.*)

(*See sections* 8, 15 *and* 47.)

	Rs.	A.	P.
(1) In respect of an application for leave to file a specification (section 5)	... 10	0	0
(2) In respect of the filing of a specification (section 8)	... 30	0	0
(3) In respect of an extension of the time for filing a specification (section 8)	... 20	0	0
(4) In respect of the continuance of an exclusive privilege (section 8)—			
(*a*) after the filing of the specification and before expiration of the fourth year from the date of the filing thereof	... 50	0	0
(*b*) after the expiration of the fourth year and before the expiration of the fifth year from that date ...	... 50	0	0
(*c*) after the expiration of the fifth year and before the expiration of the sixth year from that date ...	... 50	0	0
(*d*) after the expiration of the sixth year and before the expiration of the seventh year from that date...	... 50	0	0
(*e*) after the expiration of the seventh year and before the expiration of the eighth year from that date ...	... 50	0	0
(*f*) after the expiration of the eighth year and before the expiration of the ninth year from that date ...	... 100	0	0
(*g*) after the expiration of the ninth year and before the expiration of the tenth year from that date ...	... 100	0	0
(*h*) after the expiration of the tenth year and before the expiration of the eleventh year from that date	... 100	0	0
(*i*) after the expiration of the eleventh year and before the expiration of the twelfth year from that date	... 100	0	0
(*j*) after the expiration of the twelfth year and before the expiration of the thirteenth year from that date	... 100	0	0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.			

Schedules.

	Rs.	A.	P
(5) In respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—			
(*i*) if the enlargement does not exceed one month ...	10	0	0
(*ii*) if the enlargement exceeds one month but does not exceed two months...	25	0	0
(*iii*) if the enlargement exceeds two months	50	0	0
(6) In respect of an application for an extension of an exclusive privilege for a further term (section 15)	50	0	0
(7) In respect of an order extending the term of an exclusive privilege (section 15)	100	0	0
(8) In respect of the continuance of an exclusive privilege of which the term has been extended (section 15) ...	100	0	0
to be paid before the expiration of each year of the extended term.			
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege or any part thereof short of the sum total, at any time before the same falls due.			
(9) In respect of an application for leave to file a memorandum or amended specification (section 18)	20	0	0
(10) In respect of a petition to the Government of Mysore for a compulsory license (section 42)	50	0	0
(11) For the inspection of any book or other document which is opened to inspection under Part I	1	0	0
(12) For copies—			
(*a*) when the number of words copied does not exceed four hundred	1	0	0
(*b*) for every hundred words in excess of four hundered ...	0	4	0
(*c*) of drawings or photographs ...	cost according to agreement.		
(13) For certifying copies— for every hundred words	0	2	0

THE FIFTH SCHEDULE,

APPLICATION FOR ORDER FOR REGISTRATION OF DESIGN.

(*See sections* 50 *and* 61.)

The application of (*here insert name, occupation and address*) for an order for the registration of a design under Part II of the Mysore Inventions and Designs Regulation, 1894.

1. The applicant claims to be the proprietor of the design of which the nature is hereinafter stated.

Schedules.

2. To the best of his information and belief, that design is within the meaning of Part II of the Mysore Inventions and ee-signs Regulation, 1894, a new and original design not previously published in the territories of Mysore.

3. Copies of (*drawings*), (*photographs*), (*tracings*) of the Design accompany this application.

4. The following is a statement of the nature of the design (*here describe its nature*).

5. The applicant therefore applies for an order for the registration of the design pursuant to Part II of the Mysore Inventions and Designs Regulation, 1894.

(*Signature.*)

THE SIXTH SCHEDULE.

FEES (*Designs*).

(*See section* 60.)

	Rs.	A.	P.
(1) In respect of an application for an order for the registration of a design (section 50)	10	0	0
(2) In respect of a mutation of names in the register of designs (section 55)	5	0	0
(3) For the inspection of any book or other document which is open to inspection under Part II	1	0	0
(4) For copies—			
(*a*) when the number of words copied does not exceed four hundred	1	0	0
(*b*) for every hundred words in excess of four hundred ...	0	4	0
(*c*) of drawings, photographs or tracings ...	cost according to agreement.		
(5) For certifying copies— for every hundred words	0	2	0

REGULATION No. I OF 1895.

(PASSED ON THE 21ST DAY OF JUNE 1895.)

A Regulation for the Prevention of Cruelty to Animals.

Whereas it is expedient to make further provision for the prevention of cruelty to animals; Her Highness the Maharani-Regent is pleased to enact as follows :—

Title,

1. (1) This Regulation may be called the Prevention of Cruelty to Animals Regulation, 1895.

Commencement and extent,

(2) It shall come into force in the City of Bangalore on the 27th day of June 1895 ; and the Government of Mysore may, by notification in the official Gazette, extend on and from a date to be specified in the notification, the whole or any part of this Regulation to such other local areas, in which there is a resident Magistrate, as it may think fit.

(3) The Government of Mysore may cancel or vary a notification issued under the last foregoing sub-section.

and supersession of Bengal Act I of 1869.

(4) On this Regulation coming into force, Bengal Act No. I of 1869 (An Act for the Prevention of Cruelty to Animals) extended in part to the territories of Mysore by the Government of India Notification No. 7 J., dated 5th February 1878, shall, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced, cease to have effect in the territories of Mysore.*

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,

(1) " animal " means any domestic or captured animal ; and

(2) " street " includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

Penalty for cruelty to animals in public places and for sale in such places of animals killed with unnecessary cruelty.

3. If any person in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or in any such other place,—

(*a*) cruelly and unnecessarily beats, overdrives, overloads, or otherwiseill-treats any animal, or

(*b*) binds or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering, or

* Bengal Act I of 1869, which was in force only in the town of Bangalore within municipal limits and had not been extended to other places, is thus virtually repealed.

(*c*) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner,

he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty for practising phuka.

4. If any person performs upon any cow the operation called phuka, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty for killing animals with unnecessary cruelty anywhere.

5. If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for employing anywhere animals unfit for labor.

6. (1) If any person employs in any work or labor any animal which, by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

(2) The Government of Mysore may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against sub-section (1) have been committed.

(3) The Magistrate before whom a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary and be there detained until it is, in his opinion or in the opinion of some other Magistrate, again fit for the work or labor on which it has been ordinarily employed.

(4) The cost of the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the District Magistrate may from time to time prescribe.

(5) If the owner refuses or neglects to pay such cost and to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of the sale shall, on application made by the owner within two months after the date of the sale, be paid to him; but the owner shall not be liable to make any payment in excess of the proceeds of the sale.

Penalty for permitting diseased animals to go at large or to die in public places.

7. If any person wilfully permits any animal of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine which may extend to one hundred rupees.

Search-warrants.

8. (1) If a Magistrate of the first class, Sub-Divisional Magistrate or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 4, section 5 or section 6 is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorize any police-officer above the rank of a constable to enter and search the place.

(2) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search under sub-section (1).

Limitation of prosecution.

9. A prosecution for an offence against this Regulation shall not be instituted after the expiration of three months from the date of the commission of the offence.

Destruction of suffering animals.

10. When any Magistrate or District Superintendent of Police has reason to believe that an offence against this Regulation has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion its sufferings are such as to render such a direction proper.

Saving with respect to religious rites and usages.

11. Nothing in this Regulation shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class.

REGULATION No. III OF 1895.

The Mysore Companies Regulation, 1895.

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FIRST SCHEDULE.

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REGULATION No. III of 1895.

(Passed on the 13th day of October 1895.)

A Regulation for the incorporation, regulation and winding-up of Trading Companies and other Associations.

Whereas it is expedient to amend the law relating to the incorporation, regulation and winding-up of Trading Companies and other Associations; Her Highness the Maharani-Regent has been pleased to enact as follows :— Preamble.

Preliminary.

1. This Regulation may be cited as "The Mysore Companies Regulation, 1895:" Short title.

it extends to the whole of the territories of Mysore: Local extent.

it shall come into force on the first day of November 1895, and the time at which it comes into force is hereinafter referred to as the commencement of this Regulation. Commencement.

2. On and from the commencement of this Regulation, the Indian Companies Act, 1866, shall be repealed. But such repeal shall not affect— Repeal of Act X of 1866.

(*a*) the incorporation of any Company registered under the said Act or any Act thereby repealed;

(*b*) any right or privilege acquired or liability incurred under the said Act or any Act thereby repealed;

(*c*) table B in the schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Regulation.

And all references to the said Indian Companies Act, 1866, in Acts or Regulations passed before the commencement of this Regulation shall be read as if made to this Regulation; and all rules made, fees directed, resolutions passed and other things duly done under the same Act shall be deemed to be respectively made, directed, passed and done under this Regulation; and all Companies under the same Act shall be deemed to be Companies under this Regulation.

3. In this Regulation, unless there be something repugnant in the subject or context,— Interpretation clause.

"Insurance Company."

"Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses;

"Court or District Court."

"Court or District Court" means the principal Civil Court of original jurisdiction in a district:

"Deed of settlement."

"Deed of settlement" includes any contract of co-partnery or other instrument constituting or regulating a Company and not being a Regulation of the Government of Mysore.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking, unless it is registered as a Company under this Regulation, or is formed in pursuance of any Regulation of the Government of Mysore; and no Company, Association or Partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Regulation, or is formed in pursuance of some other Regulation of the Government of Mysore.

Division of Regulation.

5. This Regulation is divided into nine Parts, relating to the following subject-matters:—

The First Part—to the constitution and incorporation of Companies and Associations under this Regulation;

The Second Part—to the distribution of the capital and liability of members of Companies and Associations under this Regulation;

The Third Part—to the management and administration of Companies and Associations under this Regulation;

The Fourth Part—to the winding-up of Companies and Associations under this Regulation;

The Fifth Part—to the registration office;

The Sixth Part—to the application of this Regulation to Companies registered under Act No. XIX of 1857 (*for the incorporation and regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof*) and Act No. VII, 1860 (*to enable Joint Stock Banking Companies to be formed on the principle of limited liability*), or either of them;

The Seventh Part—to Companies authorized to register under this Regulation;

The Eighth Part—to the application of this Regulation to unregistered Companies;

The Ninth Part—to miscellaneous provisions.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS REGULATION.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requisitions of this Regulation in respect of registration, form an incorporated Company, with or without limited liability.

Explanation.—Foreigners are persons within the meaning of this section although the whole or any part of the business of the proposed Company is intended to be transacted out of the territories of Mysore.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Regulation may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound-up.

Directors with unlimited liability.

Where a Company is formed as a Limited Company, the liability of the directors or manager of such Company, or of the managing director, may, if so provided by the memorandum of association, be unlimited.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things (that is to say):—

(*a*) the name of the proposed Company with the addition of the word "limited" as the last word in such name;

(*b*) the part of the territories of Mysore in which the registered office of the Company is proposed to be situate;

(*c*) the objects for which the proposed Company is to be established;

(*d*) a declaration that the liability of the members is limited;

(*e*) the amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount:

Subject to the following regulations:—

(*f*) that no subscriber shall take less than one share;

(*g*) that each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound-up (hereinafter referred to as a Company limited by guarantee), the memorandum of association shall contain the following things (that is to say):—

(*a*) the name of the proposed Company, with the addition of the word "limited" as the last word in such name;

(*b*) the part of the territories of Mysore in which the registered office of the Company is proposed to be situate;

(*c*) the objects for which the proposed Company is to be established;

(*d*) a declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound-up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding-up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members (hereinafter referred to as an unlimited Company), the memorandum of association shall contain the following things (that is to say):—

(*a*) the name of the proposed Company;

(*b*) the part of the territories of Mysore in which the registered office of the Company is proposed to be situate;

(*c*) the objects for which the proposed Company is to be established.

Signature and effect of memorandum of association.

11. The memorandum of association shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained, on the part of himself, his heirs, executors and administrators, a contract to observe all the conditions of such memorandum subject to the provisions of this Regulation.

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by special resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amounts as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares; or to convert its paid up shares into stock; but, save as aforesaid, and save as hereinafter provided, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power for Company to alter objects or form of constitution subject to confirmation by Chief Court.

12 A. Subject to the provisions of this Regulation, a Company registered under this Regulation may, by special resolution, alter the provisions of its memorandum of association or deed of settlement with respect to the objects of the Company, so far as may be required for any of the purposes hereinafter specified, or alter the form of its constitution by substituting a memorandum and article of association for a deed of settlement, either with or without any such alteration as aforesaid with respect to the objects of the Company; but in no case shall any such alteration take effect until confirmed on petition by the Chief Court.

Particulars as to which Court must be satisfied before confirmation.

12 B. Before confirming any such alteration, the Chief Court must be satisfied—

(*a*) that sufficient notice has been given to every holder of debentures or debenture stock of the Company, and every person or class of persons whose interest will, in the opinion of the Court, be affected by the alteration; and

(*b*) that, with respect to every creditor who, in the opinion of the Court, is entitled to object, and who signifies his objection in manner directed by the Court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the Court:

Provided that the Court may, in the case of any person or class of persons, for special reasons, dispense with the notice required by this section.

Power of Court when confirming to impose terms and make order as to costs.

12 C. An order confirming any such alteration may be made on such terms and subject to such conditions as to the Court may seem fit, and the Court may make such orders as to costs as it may deem proper.

Discretion conferred on Court.

12 D. The Chief Court shall, in exercising its discretion under this Regulation, have regard to the rights and interests of the members of the Company, or of any class of those members, as well as to the rights and interests of the creditors, and may, if it shall think fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the Court for the purchase of the interests of dissentient members; and the Court may give such directions and make such orders as it may think expedient for the purpose of facilitating any such arrangement or carrying the same into effect:

Provided always that it shall not be lawful to expend any part of the capital of the Company in any such purchase.

Ground on which Court may confirm a proposed alteration.

12 E. The Chief Court may confirm, either wholly or in part, any such alteration as aforesaid with respect to the objects of the Company if it appears that the alteration is required in order to enable the Company:—

(*a*) to change the place of the registered office of the Company from one part of the territories of Mysore to another; or

(*b*) to carry on its business more economically or more efficiently; or

(*c*) to attain its main purpose by new or improved means; or

(*d*) to enlarge or change the local area of its operations; or

(*e*) to carry on some business or businesses which under existing circumstances may conveniently or advantageously be combined with the business of the Company; or

(*f*) to restrict or abandon any of the objects specified in the memorandum of association or deed of settlement.

Registration of order together with memorandum as altered or substituted memorandum and article, and consequences thereof.

12 F. (1) Where a Company has altered the provisions of its memorandum of association or deed of settlement with respect to the place of its registered office or to the objects of the Company, or has altered the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, and such alteration has been confirmed by the Court, a certified copy of the order confirming such alteration, together with a printed copy of the memorandum of association or deed of settlement so altered, or together with a printed copy of the substituted memo-

randum and articles of association (as the case may be), shall be delivered by the Company to the Registrar of Joint Stock Companies within three months from the date of the order, and the Registrar shall register the same and shall certify under his hand the registration thereof, and his certificate shall be conclusive evidence that all the requisitions of this Regulation with respect to such alteration and the confirmation thereof have been complied with.

(2) When any such alteration as aforesaid involves a transfer of the registered office to a part of the territories of Mysore other than that in which the office is at which the Company is registered, a certified copy of the order confirming such change shall be delivered by the Company to the Registrar of Joint Stock Companies in each of such parts, and each of such Registrars shall register the same, and shall certify under his hand the registration thereof, and the Registrar for the part from which such office is transferred shall send to the Registrar for the other part all documents relating to the Company registered in his office.

(3) From the date of such registration (but subject to the provisions of this Regulation) the memorandum or deed of settlement so altered shall be the memorandum of association or deed of settlement of the Company, or, as the case may be, such substituted memorandum and articles of association shall apply to the Company in the same manner as if the Company were a Company registered under Part I of this Regulation with such memorandum and articles of association, and the Company's deed of settlement shall cease to apply to the Company.

(4) For every registration under this section, there shall be payable to the Registrar of Joint Stock Companies a fee of five rupees.

Effect of failure to register within three months.

12 G. No such alteration as aforesaid shall have any operation until registration thereof has been duly effected under the last foregoing section, and, if such registration shall not have been effected within three months next after the date of the order of the Court confirming the alteration, such alteration and order and all proceedings connected therewith shall, at the expiration of such period of three months, become and be absolutely null and void:

Provided that the Court may, on sufficient cause shown, revive the order on application made within a further period of one month.

Sections 13-15.

Reduction of Capital and Shares.

Power to Company to a reduce capital.

13. Any Company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed, or as altered by special resolution, as to reduce its capital; but no such resolution for reducing the capital of any Company shall come into operation until an order of the Court is registered by the Registrar of Joint Stock Companies, as is hereinafter mentioned.

Explanation I.—The word "capital" includes paid up capital.

Explanation II.—The power to reduce capital conferred by this section includes a power to cancel any lost capital, or any capital unrepresented by available assets, or to pay off any capital which may be in excess of the wants of the Company; and paid up capital may be reduced either with or without extinguishing or reducing the liability (if any) remaining on the shares of the Company; and, to the extent to which such liability is not extinguished or reduced, it shall be deemed to be preserved, notwithstanding anything hereinafter contained.

Company to add "and reduced" to its name for a limited period.

14. The Company shall, after the date of the passing of any special resolution for reducing its capital, add to its name, until such date as the Court may fix, the words "and reduced," as the last words in its name, and those words shall, until such date, be deemed to be part of the name of the Company.

Company to apply to the Court for an order confirming reduction.

15. A Company which has passed a special resolution for reducing its capital may apply to the Court by petition for an order confirming the reduction, and, on the hearing of the petition, the Court if satisfied that, with respect to every creditor of the Company who, under the provisions of this Regulation, is entitled to object to the reduction, either his consent to the reduction has been obtained, or his debt or claim has been discharged or has determined, or has been secured as hereinafter provided, may make an order confirming the reduction on such terms and subject to such conditions as it deems fit.

When the reduction does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, the creditors of the Company shall not, unless the Court otherwise directs, be entitled to object, or required to consent, to the reduction; and it shall not be necessary, before the presentation of any petition under this section, to

add, and the Court may, if it thinks fit so to do, dispense with the addition of the words "and reduced" as mentioned in section 14.

In any case that the Court thinks fit so to do, it may require the Company to publish, in such manner as the Court thinks fit, the reasons for the reduction or such other information regarding the same as the Court may think expedient with a view to give proper information to the public in relation to such reduction, and if the Court thinks fit, the cause which led thereto.

Creditors may object to reduction, and list of objecting creditors to be settled by Court.

16. Where a Company proposes to reduce its capital, every creditor of the Company who, at the date fixed by the Court, is entitled to any debt or claim which, if that date were the commencement of the winding-up of the Company, would be admissible in proof against the Company, shall be entitled to object to the proposed reduction, and to be entered in the list of creditors who are so entitled to object.

The Court shall settle a list of such creditors, and for that purpose shall ascertain as far as possible, without requiring an application from any creditor, the names of such creditors and the nature and amount of their debts or claims, and may publish notices fixing a certain day or days within which creditors of the Company who are not entered on the list are to claim to be so entered, or to be excluded from the right of objecting to the proposed reduction:

Provided that, when the reduction does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, the creditors of the Company shall not, unless the Court otherwise directs, be entitled to object, or required to consent, to the reduction.

Court may dispense with consent of creditor on security being given for his debt.

17. Where a creditor whose name is entered on the list of creditors, and whose debt or claim is not discharged or determined, does not consent to the proposed reduction, the Court may (if it thinks fit) dispense with such consent on the Company securing the payment of the debt or claim of such creditor by setting apart and appropriating in such manner as the Court may direct a sum of such amount as is hereinafter mentioned (that is to say):—

(*a*) If the full amount of the debt or claim of the creditor is admitted by the Company, or, though not admitted, is such as the Company are willing to set apart and appropriate, then the full amount of the debt or claim shall be set apart and appropriated.

(*b*) If the full amount of the debt or claim of the creditor is not admitted by the Company, and is not such as the Company are willing to set apart and appropriate, or if the amount is contingent or not ascertained, then the Court may, if it thinks fit, inquire into and adjudicate upon the validity of such debt or claim, and the amount for which the Company may be liable in respect thereof, in the same manner as if the Company were being wound-up by the Court; and the amount fixed by the Court on such inquiry and adjudication shall be set apart and appropriated.

Order and minute to be registered.

18. The Registrar of Joint Stock Companies, upon the production to him of an order of the Court confirming the reduction of the capital of a Company, and the delivery to him of a copy of the order and of a minute (approved by the Court) showing, with respect to the capital of the Company as altered by the order, the amount of such capital, the number of shares in which it is to be divided, and the amount of each share, and the amount (if any) at the date of the registration of the minute proposed to be deemed to have been paid up on each share, shall register the order and minute; and, on the registration, the special resolution confirmed by the order so registered shall take effect.

Notice of such registration shall be published in such manner as the Court may direct.

The Registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requisitions of this Regulation with respect to the reduction of capital have been complied with, and that the capital of the Company is such as is stated in the minute.

Minute to form part of memorandum of association.

19. The minute, when registered, shall be deemed to be substituted for the corresponding part of the memorandum of association of the Company, and shall be of the same validity, and subject to the same alterations, as if it had been originally contained in the memorandum of association; and, subject as in this Regulation mentioned, no member of the Company, whether past or present, shall be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount which has been paid on such share and the amount of the share as fixed by the minute.

Saving of rights of creditors who are ignorant of proceedings.

20. If any creditor who is entitled in respect of any debt or claim to object to the reduction of the capital of a Company under this Regulation is, in consequence of his ignorance of the proceedings taken with a view to such reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors,

and after such reduction the Company is unable, within the meaning of this Regulation, to pay to the creditor the amount of such debt or claim, every person who was a member of the Company at the date of the registration of the order and minute relating to the reduction of its capital shall be liable to contribute for the payment of such debt or claim an amount not exceeding the amount which he would have been liable to contribute if the Company had commenced to be wound-up on the day prior to such registration;

and, on the Company being wound-up, the Court, on the application of such creditor, and on proof that he was ignorant of the proceedings taken with a view to the reduction, or of their nature and effect with respect to his claim, may, if it thinks fit, settle a list of such contributories accordingly, and make and enforce calls and orders on the contributories settled on such list in the same manner in all respects as if they were ordinary contributories in a winding-up.

Nothing in this section shall affect the rights of the contributories of the Company among themselves.

Registered minute to be embodied in memorandum of association

21. A minute, when registered, shall be embodied in every copy of the memorandum of association issued after its registration, and if any Company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding ten rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Penalty on concealment of name of creditor.

22. If any director, manager or officer of the Company wilfully conceals the name of any creditor of the Company who is entitled to object to the proposed reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor of the Company; or if any director or manager of the Company abets, within the meaning of the Indian Penal Code, any such concealment or misrepresentation as aforesaid, every such director, manager or officer shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Power to reduce capital by cancellation of unissued shares.

23. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which, at the date of passing such resolution, have not been taken

or agreed to be taken by any persons; and the provisions as to reduction of capital contained in the other sections of this Regulation shall not apply to any reduction made in pursuance of this section.

Sub-division of Shares.

Shares may be divided into shares of smaller amount.

24. Any Company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed or as altered by special resolution, as, by sub-division of its existing shares or any of them, to divide its capital, or any part thereof, into shares of smaller amount than is fixed by its memorandum of association.

Provided that in the sub-division of the existing shares, the proportion between the amount which is paid and the amount (if any) which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

Special resolution to be embodied in memorandum of association.

25. The statement of the number and amount of the shares into which the capital of the Company is divided, contained in every copy of the memorandum of association issued after the passing of any such special resolution, shall be in accordance with such resolution; and any Company which makes default in complying with the provisions of this section shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made, and every director and manager of the Company who knowingly or wilfully authorizes or permits such default shall incur the like penalty.

Associations not for Profit.

Special provisions as to associations formed for purposes not of gain.

26. Where any association which might be formed under this Regulation as a limited Company proves to the Government of Mysore that it is formed for the purpose of promoting commerce, art, science, charity, or any other useful object, and that it is the intention of such association to apply the profits, if any, or other income of the association, in promoting its objects, and to prohibit the payment of any dividend to its members, the Government of Mysore may, by license under the hand of one of its Secretaries, direct such association to be registered with limited liability, without the addition of the word "limited" to its name; and such association may be registered accordingly, and upon registration shall enjoy all the privileges and be subject to the obligations by this Regulation imposed on limited Companies; with the exceptions that none of the provisions of this Regulation that require a limited Company to use the word "limited" as any part

of its name, or to publish its name, or to send a list of its members, directors, or managers to the Registrar, shall apply to an association so registered.

The license by the Government of Mysore may be granted upon such conditions and subject to such regulations as the Government of Mysore thinks fit to impose; and such conditions and regulations shall be binding on the association, and may at the option of the Government of Mysore be inserted in the memorandum and articles of association, or in both or one of such documents.

Calls upon Shares.

Company may have some shares fully paid, and others not.

27. Nothing herein contained shall be deemed to prevent any Company under this Regulation, if authorized by its regulations as originally framed or as altered by special resolution, from doing any one or more of the following things, namely :—

(*a*) making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid, and in the time of payment of such calls;

(*b*) accepting from any member of the Company who assents thereto the whole or a part of the amount remaining unpaid on any share or shares held by him, either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made;

(*c*) paying dividend in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others.

Manner in which shares are to be issued and held.

28. Every share in any Company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise determined by a contract duly made in writing and filed with the Registrar of Joint Stock Companies at or before the issue of such shares.

Transfer of Shares.

Transfer may be registered at request of transferrer.

29. A Company shall, on the application of the transferrer of any share or interest in the Company, enter in its register of members the name of the transferee of such share or interest in the same manner and subject to the same conditions as if the application for such entry were made by the transferee.

Share-warrants to Bearer.

Warrant of limited shares fully paid up may be issued in name of bearer.

30. In the case of a Company limited by shares, the Company, if authorized so to do by its regulations as originally framed or as altered by special resolution, and subject to the provisions of such regulations, may, with respect to any share which is fully paid up, or with respect to stock, issue under their common seal a warrant (hereinafter referred to as a share-warrant) stating that the bearer thereof is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on such shares or stock.

Coupons.

Effect of share-warrant.

31. A share-warrant shall entitle the bearer thereof to the shares or stock specified therein; and such shares or stock may be transferred by the delivery of the share-warrant.

Re-registration of bearer of a share-warrant in the register.

32. The bearer of a share-warrant shall, subject to the regulations of the Company, be entitled, on surrendering such warrant for cancellation, to have his name entered as a member in the register of members; and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its register of members the name of any bearer of a share-warrant in respect of the shares or stock specified therein without the share-warrant being surrendered and cancelled.

Regulations of the Company may make the bearer of a share-warrant a member.

33. The bearer of a share-warrant may, if the regulations of the Company so provide, be deemed to be a member of the Company within the meaning of this Regulation, either to the full extent or for such purposes as may be prescribed by the regulations:

Provided that the bearer of a share-warrant shall not be qualified in respect of the shares or stock specified in such warrant for being a director or manager of the Company in cases where such a qualification is prescribed by the regulations of the Company.

Entries in register where share-warrant issued.

34. On the issue of a share-warrant in respect of any share or stock, the Company shall strike out of its register of members the name of the member then entered therein as holding such share or stock, as if he had ceased to be a member, and shall enter in the register the following particulars:—

(*a*) the fact of the issue of the warrant;

(*b*) a statement of the share of stock included in the warrant, distinguishing each share by its number;

(*c*) the date of the issue of the warrant.

Sections 35-37.

Stamps on share-warrants.

35. There shall be charged on every share-warrant a stamp-duty of an amount equal to three times the amount of the *ad valorem* stamp-duty which would be chargeable on an instrument transferring the shares or stock specified in the warrant if the consideration for the transfer were the nominal value of such shares or stock.

Penalty for issuing share-warrant not duly stamped

If a share-warrant is issued without being duly stamped, the Company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the Company, shall forfeit the sum of five hundred rupees.

Change of Name.

Power of Companies to change name.

36. Any Company under this Regulation, with the sanction of a special resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Government of Mysore testified in writing under the hand of one of the Secretaries to such Government, may change its name; and, upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Explanation.—The issue of the certificate of incorporation is necessary to complete the change of name.

Articles of Association.

Regulations to be prescribed by articles of association.

37. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by articles of association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient.

The articles shall be expressed in separate paragraphs, numbered consecutively. They may adopt all or any of the provisions contained in the table marked A in the first schedule hereto. They shall, in the case of a Company, whether limited by guaran-

tee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered, and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration.

In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of table A.

38. In the case of a Company limited by shares, if the memorandum of association is not accompanied by articles of association, or in so far as the articles do not exclude or modify the regulations contained in the table marked A in the first schedule hereto, the last-mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company, in the same manner and to the same extent as if they had been inserted in articles of association and the articles had been duly registered.

Signature and effect of articles of association.

39. The articles of association shall be printed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least.

When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto and as if such articles contained a contract on the part of himself, his heirs, executors and administrators to conform to all the regulations contained in such articles subject to the provisions of this Regulation.

All moneys payable by any member to the Company in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and articles of association with fees as in table B.

40. The memorandum of association, and the articles of association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. It is not his duty to require evidence as to whether the several subscribers to a memorandum of association so delivered are competent to contract.

There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of th eseveral matters mentioned in the table marked B in the first schedule hereto, the several fees therein specified, or such smaller fees as the Government of Mysore may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the table marked C, in the first schedule hereto, the several fees therein specified, or such smaller fees as the Government of Mysore may from time to time direct.

All fees paid to the said Registrar in pursuance of this Regulation shall be accounted for to Government.

Effect of registration.

41. Upon the registration of the memorandum of association, and of the articles of association in cases where articles of association are required by this Regulation or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited: the subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company, in the event of the same being wound up, as is hereinafter mentioned.

A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Regulation in respect of registration have been complied with.

Copies of memorandum and articles to be given to members.

42. A copy of the memorandum of association, having annexed thereto the articles of association, if any, shall be forwarded to every member, at his request, on payment of such sum, not exceeding one rupee, as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and articles of association, if any, to a member in pursuance of this section, the Company so making default shall, for each such offence, incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

43. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive,

except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires.

If any Company, through inadvertance or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name; and, upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS REGULATION.

Distribution of Capital.

Nature of interest in Company.

44. The shares or other interest of any member in a Company under this Regulation shall be moveable property, capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "member."

45. The subscribers of the memorandum of association of any Company under this Regulation shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of a Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed with a Company under this Regulation to become a member of such Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

46. Any transfer of the share or other interest of a deceased member of the Company under this Regulation, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

47. Every Company under this Regulation shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(*a*) the names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its member and of the amount paid or agreed to be considered as paid on the shares of each member;

(*b*) the date at which the name of any person was entered in the register as a member;

(*c*) the date at which any person ceased to be a member.

Where a share-warrant has been issued under section 30, until the warrant is surrendered, the particulars mentioned in section 34 shall be deemed to be the particulars which are required by this section to be entered in the register of members of a Company; and, on the surrender of a warrant, the date of such surrender shall be entered, as if it were the date at which a person ceased to be a member.

Any Company acting in contravention of this section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this section continues, and every director or manager of the Company who knowingly and wilfully authorizes or permits such contravention shall incur the like penalty.

Annual list of members.

48. Every Company under this Regulation and having a capital divided into shares shall make, once at least in every year, a list of all persons, who, on the fourteenth day succeeding the day on which the ordinary general meeting, or, if there is more than one ordinary general meeting in each year, the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses and occupations of all the members therein mentioned, and the number of shares held by

each of them, and shall contain a summary specifying the following particulars:—

(*a*) the amount of the capital of the Company and the number of shares into which it is divided;

(*b*) the number of shares taken from the commencement of the Company up to the date of the summary;

(*c*) the amount of calls made on each share;

(*d*) the total amount of calls received;

(*e*) the total amount of calls unpaid;

(*f*) the total amount of shares forfeited;

(*g*) the names, addresses and occupations, of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this section; and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

Particulars to be contained in annual summary.

49. After the issue by the Company of a share-warrant, the annual summary required by section 48 shall contain the following particulars (namely):—the total amount of shares or stock for which share-warrants are outstanding at the date of the summary, and the total amount of share-warrants which have been issued and surrendered respectively since the last summary was made, and the number of shares or amount of stock comprised in each warrant.

Penalty on Company, &c., not keeping a proper register.

50. If any Company under this Regulation and having a capital divided into shares makes default in complying with the provisions of this Regulation with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Company to give notice of consolidation or of conversion of capital into stock.

51. Every Company under this Regulation having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall, within fifteen days of

such consolidation, division or conversion give notice to the Registrar of Joint Stock Companies of the same, specifying the shares so consolidated, divided or converted.

Effect of conversion of shares into stock.

52. Where any Company under this Regulation and having a capital divided into shares has converted any portion of its capital into stock and given notice of such conversion to the Registrar, all the provisions of this Regulation which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the Company and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list, instead of the amount of shares and the particulars relating to shares hereinbefore required.

Entry of trusts on register.

53. No notice of any trust, express, implied or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Regulation and registered in the territories of Mysore.

Certificate of shares or stock.

54. A certificate under the common seal of the Company, specifying any shares or stock held by any member of a Company, shall be *prima facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of register.

55. The register of members, commencing from the date of the registration of the Company, shall be kept at the registered office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee, or such less sum as the Company may prescribe, for each inspection.

Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied.

If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

Every director and manager of the Company who knowingly authorizes or permits such refusal shall incur the like penalty.

In addition to the above penalty any Judge of the Chief Court may, by order, compel an immediate inspection of the register.

Power to close register.

56. Any Company under this Regulation may, upon giving notice by advertisement in some newspaper circulating in the district in which the registered office of the Company is situate and in the official Gazette, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Notice of increase of capital and of members to be given to Registrar.

57. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital, within fifteen days from the date of the passing of the resolution by which such increase has been authorized, and in the case of an increase of members, within fifteen days from the time at which such increase of members has been resolved on or has taken place; and the Registrar shall forthwith record the amount of such increase of capital or members.

If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

58. If the name of any person is fraudulently or without sufficient cause entered in, or omitted from, the register of members kept by any Company under this Regulation, or if default is made, or unnecessary delay takes place, in entering on the register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original civil jurisdiction in the district or place in which the registered office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained.

The Court may, in any proceeding under this section, decide any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members, or alleged members, or between any members or alleged members and the Company, and whether there has or has not been default on the part of the Company; and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register: provided that the Court may direct an issue to be tried in which any question of law may be raised; and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

59. Whenever any order has been made for rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

60. The register of members shall be *primâ facie* evidence of any matters by this Regulation directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

61. In the event of a Company formed under this Regulation being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company and the costs, charges and expenses of the winding up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following (that is to say):—

(*a*) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(*b*) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(*c*) No past member shall be liable to contribute to the assets of the Company unless it appears to the Court that the existing members are unable to satisfy the contribution required to be made by them in pursuance of this Regulation:

(*d*) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(*e*) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:

(*f*) Nothing in this Regulation contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(*g*) No sum due to any member of a Company in his character of a member, by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

Explanation I.—The liability of past members is a liability to contribute to the general assets of the Company, against which assets creditors (at whatever time their debts may have been contracted) have equal rights.

Explanation II.—In estimating the debts to which a past member is liable, all dividends paid on these debts under the winding-up must be deducted.

Liability of director whose liability is unlimited.

62. With respect to the contributions to be required in the event of the winding-up of a limited Company from any director or manager whose liability is unlimited, the following modifications shall be made in the last preceding section:—

(*a*) Subject to the provisions hereinafter contained, any such director or manager, whether past or present, shall, in addition to his liability (if any), to contribute as an ordinary member, be liable to contribute as if he were at the date of the commencement of such winding-up a member of an unlimited Company:

(*b*) No contribution required from any past director or manager who has ceased to hold such office for a period of one year or upwards prior to the commencement of the winding-up shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the Company:

(*c*) No contribution required from any past director or manager in respect of any debt or liability of the Company contracted after the time at which he ceased to hold such office shall exceed the amount (if any) which is liable to contribute as an ordinary member of the Company:

(*d*) Subject to the provisions contained in the regulations of the Company, no contribution required from any director or manager shall exceed the amount (if any) which he is liable to contribute as an ordinary member, unless the Court think it necessary to require such contribution in order to satisfy the debts and liabilities of the Company, or the costs, charges, and expenses of the winding-up.

PART III.

Management and Administration of Companies and Associations under this Regulation.

Provisions for Protection of Creditors.

Registered office of Company.

63. Every Company under this Regulation shall have a registered office to which all communications and notices may be addressed. If any Company under this Regulation carries on business without having such an office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered office.

64. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Regulation with respect to having a registered office.

Publication of name by a limited Company.

65. Every limited Company under this Regulation, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible, in the English language, and also in Kanarese and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all bills of exchange, hundis, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts, and letters of credit of the Company.

Penalties on non-publication of name.

66. If any limited Company under this Regulation does not paint or affix, and keep painted or affixed, its name in manner directed by this Regulation, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed.

Every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty.

If any director, manager or officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any bill of exchange, hundi, promissory note, endorsement, cheque, or order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such bill of exchange, hundi, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the Company.

Contracts.

Contracts how made.

67. Contracts on behalf of any Company under this Regulation may be made as follows (that is to say):—

(*a*) Any contract, which if made between private persons would be by law required to be in writing, and if made according to English Law, to be under seal, may be made on behalf of the Company in writing under the common seal of the Company; and such contract may be in the same manner varied or discharged:

(*b*) Any contract, which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company; and such contract may in the same manner be varied or discharged:

(*c*) Any contract, which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company; and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

68. Every limited Company under this Regulation shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register, in respect of each mortgage or charge, a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge.

If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every director, manager or other officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees.

The register of mortgages required by this section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any officer of the Company refusing the same, and every director and manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

The Chief Court or any Judge thereof may, by order, compel the performance of the duty imposed by this section on a limited Company, and in addition to the above penalty may, by order, compel an immediate inspection of the register.

Explanation.—Omission to register under this section a mortgage or charge does not render the same invalid. But the officers of the Company cannot avail themselves as such of a mortgage or charge specifically affecting property of the Company and not so registered.

Certain Companies to publish statement entered in schedule.

69. Every limited banking Company, and every Insurance Company, and deposit, provident or benefit Society under this Regulation, shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first schedule hereto, or as near thereto as circumstances will admit; and copy of such statement shall be put up in a conspicuous place in the registered office of the Company and in every branch office or place where the business of the Company is carried on.

If default is made in compliance with the provisions of this section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues; and every director and manager of the Company who knowingly and

wilfully authorizes or permits such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this section shall be entitled to a copy of the above-mentioned statement on payment of a sum not exceeding eight annas.

List of directors to be sent to Registrar.

70. Every Company under this Regulation and not having a capital divided into shares shall keep at its registered office a register containing the names and addresses and the occupations of its directors or managers, and shall send to the Registrar of Joint Stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such directors or managers.

Penalty on Company not keeping register of directors.

71. If any Company under this Regulation and not having a capital divided into shares makes default in keeping a register of its directors or managers, or in sending a copy of such register to the Registrar in compliance with the foregoing Rules, or in notifying to the Registrar any change that takes place in such directors or managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues; and every director or manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Promissory notes, bills of exchange and hundis.

72 A promissory note, bill of exchange or hundi shall be deemed to have been made, drawn, accepted or endorsed on behalf of any Company under this Regulation, if made, drawn, accepted or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, drawn, accepted or endorsed by or on behalf or on account of the Company by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

73. If any Company under this Regulation carries on business when the number of its members is less than seven, for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General meeting of Company.

74. A general meeting of every Company under this Regulation shall be held once at the least in every year.

Balance-sheet.

A balance-sheet shall be made out and filed with the Registrar of Joint Stock Companies within twelve months after the Company has been registered, and once at least in every year afterwards within twelve months from the filing of the balance-sheet immediately preceding; and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to table A in the first schedule hereto, or as near thereto as circumstances admit.

Audit.

And once at the least in every year the accounts of the Company shall be examined and the correctness of the last balance-sheet and its conformity with the law ascertained and certified by one or more auditor or auditors.

No balance-sheet shall be filed with the Registrar unless and until its correctness and conformity with the law have been so ascertained and certified, and it has been laid before and adopted by the Company in general meeting.

If default is made in compliance with any of the provisions of this section, every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall be liable to a penalty of one thousand rupees.

Meetings.

Company to hold meeting within six months after registration.

75. Every Company formed under this Regulation, after the commencement of this Regulation, shall hold a general meeting within six months after its memorandum of association is registered; and, if such meeting is not held, the Company shall be liable to a penalty not exceeding fifty rupees a day for every day after the expiration of such six months, until the meeting is held; and every director or manager of the Company and every subscriber of the memorandum of association who knowingly authorizes or permits such default shall be liable to the same penalty.

Power to alter regulations by special resolution.

76. Subject to the provisions of this Regulation and to the conditions contained in the memorandum of association, any Company formed under this Regulation or the Indian Companies Act 1866, may, in general meeting, from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the articles of association, or in the table marked A in the first schedule, where such table is applicable to the Company, or make new regulations to the exclusion of, or in addition to, all or any of the regulations of the Company.

Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the articles of association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Power to make liability of directors unlimited.

Any limited Company formed under this Regulation or the Indian Companies Act, 1866, may, by a special resolution, if authorized to do so by its regulations as originally framed or as altered by special resolution, from time to time modify the conditions contained in its memorandum of association so far as to render unlimited, from and after the date of such resolution, the liability of its directors or managers, or of the managing director. Such special resolution shall be of the same validity as if it had been originally contained in the memorandum of association, and a copy thereof shall be embodied in, or annexed to, every copy of the memorandum of association which is issued after the passing of the resolution.

Definition of "special resolution."

77. A resolution passed by a Company under this Regulation shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such resolution was first passed.

At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against the same.

Notice of any meeting shall, for the purposes of this section, be deemed to be duly given and the meeting to be duly held whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

78. In default of any regulations as to voting, every member shall have one vote, and, in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the table marked A in the first schedule hereto.

In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and, in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registration of special resolutions.

79. A copy of every special resolution that is passed by any Company under this Regulation, shall be printed and forwarded to the Registrar of Joint Stock Companies and be recorded by him.

If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Copies of special resolutions to be embodied in articles of association.

80. Where articles of association have been registered, a copy of every special resolution for the time being in force shall be annexed to, or embodied in, every copy of the articles of association that may be issued after the passing of such resolution. Where no articles of association have been registered, a copy of every special resolution shall be forwarded in print to any member requesting the same on payment of one rupee or such less sum as the Company may direct.

If any Company makes default in complying with the provisions of this section or section seventy-six, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Execution of deeds abroad.

81. Any Company under this Regulation may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the

territories of Mysore; and every deed signed by such attorney on behalf of the Company and under his seal shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by inspector.

82. The Government of Mysore may appoint one or more competent inspectors to examine into the affairs of any Company under this Regulation, and to report thereon in such manner as the Government of Mysore may direct upon the applications following (that is to say):—

(*a*) In the case of a banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(*b*) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

83. The application shall be supported by such evidence as the Government of Mysore may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same.

The Government of Mysore may also require the applicants to give security for payment of the costs of the inquiry before appointing any inspector or inspectors.

Inspection of books.

84. It shall be the duty of all officers and agents of the Company to produce for the examination of the inspectors all books and documents in their custody or power.

Any inspector may examine upon oath the officers and agents of the Company in relation to its business.

If any such officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each such offence.

Result of examination how dealt with.

85. Upon the conclusion of the examination, the inspectors shall report their opinions to the Government of Mysore. Such report shall be written or printed as the Government of Mysore directs.

A copy shall be forwarded by the Government of Mysore to the registered office of the Company, and a further copy shall, at

the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them.

All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the inspectors were appointed, unless the Government of Mysore shall direct the same to be paid out of the assets of the Company, which the Government of Mysore is hereby authorized to do.

Power of Company to appoint inspectors.

86. Any Company under this Regulation may, by a special resolution, appoint inspectors for the purpose of examining into the affairs of the Company.

The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Government of Mysore, with this exception, that, instead of making their report to the Government of Mysore, they shall make the same in such manner and to such persons as the Company in general meeting directs.

The officers and agents of the Company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspectors, or to answer any question, as they would have incurred if such inspectors had been appointed by the Government of Mysore.

Report of inspectors to be evidence.

87. A copy of the report of any inspectors appointed under this Regulation, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in such report.

Prospectus, &c., to specify dates and names of parties to certain prior contracts.

88. Every prospectus of a Company, and every notice inviting persons to subscribe for shares in any Joint Stock Company, shall specify the dates of and the names of the parties to any agreement enforceable by law which has been entered into by the Company or the promoters, directors or trustees thereof, before the issue of such prospectus or notice (whether subject to adoption by the directors or the Company, or otherwise), and which might reasonably influence a person in determining whether he would or would not become a shareholder in the Company; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors and officers of the Company knowingly issuing the same, as regards any person taking shares in the Company on the faith of such prospectus, unless he has had notice of such contract.

Sections 89-92.

Notices.

Service of notices on Company.

89. Any summons, notice, order or other document required to be served upon the Company may be served by leaving the same, or sending it through the post by a registered letter addressed to the Company, at their registered office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him or by leaving it for him at his office.

Rules as to notices by letter.

90. Every document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and, in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the post office.

Authentication of notices by Company.

91. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by any director, secretary or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

92. Every Company under this Regulation shall cause minutes of all resolutions and proceedings of general meetings of the Company, and of the directors or managers of the Company in cases where there are directors or managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings.

Until the contrary is proved, every general meeting of the Company or meeting of directors or managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had, and all appointments of directors, managers or liquidators shall be deemed to be valid, and all acts done by such directors, managers or liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Explanation.—Nothing in this section shall be deemed to give validity to acts done by a liquidator after his appointment has been shown to be invalid.

Provision as to costs in suits brought by certain limited Companies.

93. Where a limited Company is plaintiff in any suit, if it appears from the evidence adduced that there is reason to believe that, if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, any Judge having jurisdiction in the matter may require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaints in suits against members.

94. In any suit brought by the Company against any member to recover any call or other moneys due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other moneys due whereby a suit has accrued to the Company.

Alteration of Forms.

Forms to be used.

95. The forms set forth in the second schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer.

Government may alter forms.

The Government of Mysore may from time to time make such alterations in the tables and forms contained in the first schedule hereto, so that it does not increase the amount of fees payable to the Registrar in the said schedule mentioned, and in the forms in the second schedule, or make such additions to the last-mentioned forms, as it deems requisite.

Any such table or form, when altered, shall be published in the *Official Gazette*, and, upon such publication being made, such table or form shall have the same force as if it were included in the schedule to this Regulation; but no alteration made by the Government of Mysore in the table marked A contained in the first schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such table.

Arbitrations.

Power for Companies to refer matters to arbitration.

96. Any Company under this Regulation may from time to time, by writing under its common seal, agree to refer, and may refer, to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies, parties to the arbitration, may delegate to the person or persons, to whom the reference is made, power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

97. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Regulation theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Agreements to be carried into effect.

98 Every reference or agreement in accordance with this Regulation, except so far as it is from time to time revoked or modified in accordance with this Regulation, shall bind the Companies, and may and shall be carried into full effect.

Reference to arbitrator.

99. Where the Companies agree, the reference shall be made to a single arbitrator.

Reference to two or more arbitrators.

100. Except where the Companies agree that the reference shall be made to a single arbitrator, the reference shall be made as follows, to wit:—

where there are two Companies, the reference shall be made to two arbitrators;

where there are three or more Companies, the reference shall be made to so many arbitrators as there are Companies.

Appointment of arbitrators by Companies

101. Where there are to be two or more arbitrators, every Company shall by writing under their common seal appoint one of the arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of arbitrators by Government.

102. Where there are to be two or more arbitrators, if any of the Companies fail to appoint an arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Government of Mysore, instead of the Company so failing to appoint an arbitrator, may appoint an arbitrator. The arbitrator so appointed shall for the purposes of this Regulation be deemed to be appointed by the Company so failing.

Appointment of arbitrators by Companies to supply vacancies.

103. Where the reference is made to two or more arbitrators, if before the matters referred to them are determined any arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an arbitrator in his place.

Appointment of arbitrators by Government to supply vacancies.

104. Where the Company, by which an arbitrator ought to be appointed in the place of the arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other

Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Government of Mysore may appoint an arbitrator.

The arbitrator so appointed shall for the purposes of this Regulation be deemed to be appointed by the Company so failing.

Appointment of arbitrator not revocable.

105. When any appointment of an arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of umpire by arbitrators.

106. Where two or more arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their umpire.

Appointment of umpire by Government.

107. If the arbitrators do not appoint an umpire within seven days after the reference is made to the arbitrators, then, on the application of the Companies or any of them, the Government of Mysore may appoint an umpire; and the umpire so appointed shall for the purposes of this Regulation be deemed to be appointed by the arbitrators.

Appointment of umpire by arbitrators to supply vacancy.

108. Where two or more arbitrators are appointed, if before the matters referred to them are determined, their umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as umpire, the arbitrators shall by writing under their hands appoint an impartial and qualified person to be their umpire in his place.

Appointment of umpire by Government to supply vacancy.

109. If the arbitrators fail to appoint an umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their umpire, then, on the application of the Companies or any of them, the Government of Mysore may appoint an umpire.

The umpire so appointed shall for the purposes of this Regulation be deemed to be appointed by the arbitrators so failing.

Succeeding arbitrators and umpires to have powers of predecessors.

110. Every arbitrator, appointed in the place of a preceding arbitrator, and every umpire appointed in the place of a preceding umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to umpire.

111. Where there are two or more arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the arbitrators, agree on their award thereon, then the matters

referred to them, or such of those matters as are not then determined, shall stand referred to their umpire.

Power for arbitrators, &c., to call for books, &c., and examine witnesses on oath.

112. The arbitrator, and the arbitrators and the umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the arbitrator, or the arbitrators or the umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath.

Procedure in the arbitration

113. Except where and as the Companies otherwise agree, the arbitrator, and the arbitrators and the umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

114. The arbitrator, and the arbitrators and the umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the arbitrator or the arbitrators or the umpire shall think fit so to proceed.

Several awards may be made.

115. The arbitrator, and the arbitrators and the umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred.

Every such award on part of the matters shall, for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or, in the event of no time having been so specified, for any time which the arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

116. The award of the arbitrator, or of the arbitrators, or of the umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the matters in difference are referred to (as the case may be) the arbitrator or the arbitrators or the umpire, shall be binding and conclusive on all the Companies.

Power for umpire to extend period for making his award.

117. Provided always that (except where and as the Companies otherwise agree) the umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

118. No award made on any arbitration in accordance with this Regulation shall be set aside for any irregularity or informality.

Awards to be obeyed.

119 Except only so far as the Companies bound by any award in accordance with this Regulation from time to time otherwise agree, all things by every award in accordance with this Regulation lawfully required to be done, omitted or suffered shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

120. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Regulation; and the performance or observance thereof, may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

121. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the arbitrator, and the arbitrators and the umpire respectively.

Payment of costs.

122. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the cost of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

123. On the application of any party interested, the submission to any such arbitration may be filed in the Chief Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

Winding-up of Companies and Associations under this Regulation.

Preliminary.

Meaning of "contributory."

124. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Regulation in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed

contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of contributory.

125. The liability of any person to contribute to the assets of a Company under this Regulation in the event of the same being wound up shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful, in the case of the insolvency of any contributory, to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

No claim founded on the liability of a contributory shall be cognizable by any Court of Small Causes.

Contributories in case of death.

126. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory; and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

127. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to proof against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any moneys due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

128. A Company under this Regulation may be wound up by the Court as hereinafter defined under the following circumstances (that is to say):—

(*a*) whenever the Company has passed a special resolution requiring the Company to be wound up by the Court;

(*b*) whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year;

(*c*) whenever the members are reduced in number to less than seven;

(*d*) whenever the Company is unable to pay its debts;

(*e*) whenever for any other reason of a like nature the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

129. A Company under this Regulation shall be deemed to be unable to pay its debts—

(*a*) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor;

(*b*) whenever execution or other process issued on a decree or order obtained in any Court in favor of any creditor in any proceeding instituted by such creditor against the Company is returned unsatisfied in whole or in part;

(*c*) whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

130. The expression "the Court" as used in this Part of this Regulation shall mean the principal Court having original civil jurisdiction in the place in which the registered office of the Company is situate.

Definition of "debts."

The expression "debts" as used in this Part of this Regulation means debts actually due, of which the creditor could claim immediate payment, except in the case of a Company issuing or liable under policies of assurance upon human life within the territories of Mysore, or granting annuities upon human life within the territories of Mysore. In the case of such a Company (hereinafter called a life-assurance Company), the expression "debts," as so used, includes also contingent or prospective liability under policies and annuity and other existing contracts.

Application for winding-up to be made by petition.

131. Any application to the Court for the winding-up of a Company under this Regulation shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories, of the Company, or by all or any of the above parties, together or separately.

The petition must allege facts which, if proved, will justify an order for winding-up the Company. Every order which may be made on any such petition shall operate in favor of all the creditors

and all the contributories of the Company in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

In the case of a life-assurance Company the Court shall not give a hearing to the petition until security for costs for such amount as the Judge thinks reasonable is given, and until a *primâ facie* case is also established to the satisfaction of the Judge; and, where the Company has an uncalled capital of an amount sufficient, with the future premiums receivable by the Company, to make up the actual invested assets equal to the amount of the estimated liabilities, the Court shall suspend further proceedings on the petition for a reasonable time to enable the uncalled capital, or a sufficient part thereof, to be called up; and, if at the end of the original or any suspended time for which the proceedings have been suspended such an amount has not been realized by means of calls as with the already invested assets is equal to the liabilities, an order shall be made on the petition as if the Company had been proved to be unable to pay its debts.

Explanation.—Nothing in this section authorizes the presentation of a petition by a member of a Company who is indebted to the Company in respect of a call made, or other moneys due.

Contributory when not qualified to present winding-up petition.

132. No contributory of a Company under this Regulation shall be capable of presenting a petition for winding-up such Company unless the members of the Company are reduced in number to less than seven, or unless the shares in respect of which he is a contributory, or some of them, either were originally allotted to him, or have been held by him, and registered in his name, for a period of at least six months during the eighteen months previous to the commencement of the winding-up, or have devolved upon him through the death of a former holder:

Provided that, where a share has, during the whole or any part of the six months, been held by or registered in the name of the wife of a contributory either before or after her marriage, or by or in the name of any trustee for such wife, or for the contributory, such share shall, for the purposes of this section, be deemed to have been held by and registered in the name of the contributory.

Commencement of winding-up by Court.

133. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

134. The Court may, at any time after the presentation of a petition for winding-up a Company under this Regulation, and before making an order for winding-up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit.

The Court may also at any time after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing petition.

135. Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

136. When an order has been made for winding-up a Company under this Regulation, no suit or other proceeding shall be proceeded with or commenced against the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

137. When an order has been made for winding-up a Company under this Regulation, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a minute thereof in his books relating to the Company.

Such order shall be deemed to be notice of discharge to the servants of the Company, except when the business of the Company is continued.

Power of Court to stay proceedings.

138. Such Court may, at any time after an order has been made for winding-up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding-up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

139. When an order has been made for winding-up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

140. The Court may, as to all matters relating to the winding-up, have regard to the wishes of creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks fit, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

In the case of creditors, regard is to be had to the value of the debts due to each creditor, and, in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

141. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons, to be called an official liquidator or official liquidators.

The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators.

In all cases, if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons.

The Court may also determine whether any, and what, security is to be given by any official liquidator on his appointment.

If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

A receiver shall not be appointed of assets in the hands of an official liquidator.

Resignations, removals, filling up vacancies and compensation.

142. Any official liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an official liquidator appointed by the Court shall be filled up by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

143. The official liquidator shall be described by the style of the official liquidator of the particular Company in respect of which he is appointed, and not by his individual name. He shall take into his custody, or under his control, all the property, effects and actionable claims to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding-up of the Company as may be imposed by the Court.

Power of official liquidator.

144. The official liquidator shall have power, with the sanction of the Court, to do the following things:—

(*a*) to bring or defend any suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the Company;

(*b*) to carry on the business of the Company so far as may be necessary for the beneficial winding-up of the same;

(*c*) to sell the immoveable and moveable property of the Company by public auction or private contract with power to transfer the whole thereof to any person or Company, or to sell the same in parcels;

(*d*) to do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal;

(*e*) to prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency, as a separate debt due from such insolvent, and rateably with the other separate creditors;

(*f*) to draw, accept, make and endorse any bill of exchange, hundi or promissory note in the name and on behalf of the Company; also to raise, upon the security of the assets of the Company, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such bill, hundi or note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such bill, hundi or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof;

(*g*) to take out, if necessary, in his official name, letters of administration to the estate of any deceased contributory, and to do, in his official name, any other act that may be necessary for obtaining payment of any moneys due from a contributory or from

his estate, and which act cannot be conveniently done in the name of the Company; and, in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any moneys due from a contributory, such moneys shall, for the purpose of enabling him to take out such letters or recover such moneys, be deemed to be due to the official liquidator himself;

(*h*) to do and execute all such other things as may be necessary for winding-up the affairs of the Company and distributing its assets.

Discretion of official liquidator.

145. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Appointment of attorney or vakil to official liquidator.

146. The official liquidator may, with the sanction of the Court, appoint a legal practitioner enrolled under the law for the time being in force relating to legal practitioners to assist him in the performance of his duties: provided that, where the official liquidator is such a legal practitioner, he shall not appoint his partner, unless the latter consents to act without remuneration.

Ordinary Powers of Court.

Collection and application of assets.

147. As soon as may be after making an order for winding-up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of section 58, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities existing at the date of the said order.

Provision as to representative contributories.

148. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of, or being liable to the debts of others.

Power of Court to require delivery of property.

149. The Court may, at any time after making an order for winding-up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent or officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to order payment of debts by contributory.

150. The Court may, at any time after making an order for winding-up the Company, make an order on any contributory for the time being settled on the list of contributories directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents to the Company, exclusive of any moneys which he, or the estate of the person whom he represents, may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Regulation.

The Court may, in making such order, when the Company is not limited, allow to such contributory, by way of set-off, any moneys due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any moneys due to him as a member of the Company in respect of any dividend or profits:

Provided that, when all the creditors of any Company, whether limited or unlimited, are paid in full, any moneys due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

In the event of the winding-up of any limited Company, the Court, if it thinks fit may make to any director or manager of such Company whose liability is unlimited the same allowance by way of set-off as under this section it may make to a contributory where the Company is not limited.

Power of Court to make calls.

151. The Court may, at any time after making an order for winding-up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on, and order payment thereof by, all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves.

The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to order payment into Bank.

152. The Court may order any contributory, purchaser or other person from whom money is due to the Company to pay the same into any Bank recognized by the Government of Mysore to

the account of the official liquidator instead of to the official liquidator; and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Regulation of account with Court.

153. All moneys, bills, hundis, notes and other securities paid and delivered into any Bank recognized by the Government of Mysore, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such moneys and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same as the Court may direct.

Provison in case of representative contributory not paying moneys ordered.

154. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the moneys due.

Order conclusive evidence.

155. Any order made by the Court in pursuance of this Regulation upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due or ordered to be paid are due; and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Court may exclude creditors not proving within certain time.

156. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court to adjust rights of contributories.

157. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to order costs.

158. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Dissolution of Company.

159. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Registrar to make minute of dissolution of Company.

160. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a minute accordingly in his books of the dissolution of such Company.

Sections 161-164.

Penalty for not reporting dissolution of Company.

161. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Extraordinary Powers of Court.

Power of Court to summon persons before it suspected of having property of Company.

162. The Court may, after it has made an order for winding-up the Company, summon before it any officer of the Company, or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company.

If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination.

The Court may require any such officer or person to produce any documents in his custody or power relating to the Company. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Examination of parties by Court.

163. The Court may examine upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

164. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit the territories of Mysore or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, moneys, securities for moneys, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

165. Any powers by this Regulation conferred on the Court shall be deemed to be in addition to, and not in restriction of any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate; and such proceedings may be instituted accordingly.

Enforcement of, and Appeal from, Orders.

Power to enforce orders

166. All orders made by a Court under this Regulation may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

167. Any order made by a Court for or in the course of the winding-up of a Company under this Regulation shall be enforced in any part of the territories of Mysore, other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

168. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made; and thereupon such last mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

169. Re-hearings of, and appeals from, any order or decision made or given in the matter of the winding-up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of appeal.

Judicial notice to be

170. In all proceedings under this Part of this Regulation, every Court, Judge and person judicially acting, and all other

officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any officer of any other Court, and also of the official seal of any other Court, when such seal is appended to any document made, issued or signed under the provisions of this Part of this Regulation, or any official copy thereof.

Judicial notice to be taken of signature of officers.

171. The Judges of the District Courts, who sit at places more than twenty English miles from the usual place of sitting of the Chief Court, shall be Commissioners for the purpose of taking evidence under this Regulation in cases where any Company is wound up in the Chief Court; and it shall be lawful for the Chief Court to refer the whole or any part of the examination of any witnesses under this Regulation to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding-up the Company.

Special Commissioners for receiving evidence.

Every such Commissioner shall, in addition to any power of summoning and examining witnesses and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses, and requiring the production or delivery of documents, and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding-up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

172. If any affidavit, affirmation or declaration, required to be sworn or made under the provisions or for the purposes of this Part of this Regulation, be lawfully sworn or made in the territories of Mysore or in British India, or in Great Britain or Ireland, or in any colony, island, plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in the territories of Mysore shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Regulation.

Affidavits, &c., may be sworn in Mysore, or in British India, Great Britain or Ireland or abroad, before any competent Court or person.

Sections 173-176.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

173. A Company under this Regulation may be wound up voluntarily—

(*a*) whenever the period, if any, fixed for the duration of the Company by the articles of association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the articles of association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily;

(*b*) whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily;

(*c*) whenever the Company has passed an extraordinary resolution to the effect that it has been proved to its satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind-up the same.

For the purposes of this Regulation any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

Commencement of voluntary winding-up.

174. A voluntary winding-up shall be deemed to commence at the time of the passing of the resolution authorizing such winding-up. When the winding-up is in pursuance of a special resolution, it shall be deemed to commence at the time of the passing, under section seventy-seven, of the confirmatory resolution.

Effect of voluntary winding-up on status of Company.

175. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company, taking place after the commencement of such winding-up, shall be void; but its corporate state and all its corporate powers shall, notwithstanding that its regulations otherwise provide, continue until the affairs of the Company are wound up.

Notice of resolution to wind up voluntarily.

176. Notice of any special resolution or extraordinary resolution passed for winding-up a Company voluntarily shall be given by advertisement in the official Gazette, and also in some newspaper (if any) circulating in the place where the registered office of the Company is situate.

Section 177.

177. The following consequences shall ensue upon the voluntary winding-up of a Company:— Consequence of voluntary winding-up.

(*a*) the assets of the Company shall be applied in satisfaction of its liabilities *pari passu* as they exist at the commencement of the winding-up, and subject thereto shall, unless the regulations of the Company otherwise provide, be distributed amongst the members according to their rights and interests in the Company:

(*b*) liquidators shall be appointed for the purpose of winding-up the affairs of the Company and distributing the assets:

(*c*) the Company in general meeting shall appoint such persons as it thinks fit to be liquidators, and may fix the remuneration to be paid to them:

(*d*) if one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him:

(*e*) upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the Company in general meeting, or the liquidators, may sanction the continuance of such powers:

(*f*) when several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(*g*) the liquidators may, without the sanction of the Court, exercise all powers by this Regulation given to the official liquidators:

(*h*) the liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(*i*) the liquidators may, at any time after the passing of the resolution for winding-up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(*j*) the liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding-up on share-capital of Company limited by guarantee.

178. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Power of Company to delegate authority to appoint liquidators.

179. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an extraordinary resolution, delegate to its creditors, or to any committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may, by a like resolution, enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised.

Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

180. Any arrangement which a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, shall have entered into with its creditors shall be binding on the Company if sanctioned by the extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

181. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for liquidators or contributories in voluntary winding-up to apply to Court.

182. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise, as respects the enforcing of calls or in respect of any other matter, all or any of the powers which the Court might exercise if the Company were being wound up by the Court. Any such application may be made by motion. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly

or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of liquidators to call general meeting.

183. Where a Company is being wound up voluntarily, the liquidators may, from time to time, during the continuance of such winding-up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution, or for any other purposes they think fit.

In the event of the winding-up continuing for more than one year, the liquidators shall summon general meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings, and the manner in which the winding-up has been conducted, during the preceding year.

Power to fill up vacancy in office of liquidators.

184. If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy; and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

185. If, from any cause whatever, there is no liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding-up.

Liquidators on conclusion of winding-up to make up an account.

186. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of; and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators.

The meeting shall be called by advertisement, specifying the time, place, and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in section 176.

Liquidators to report meeting to Registrar.

187. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held; and, on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved.

If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

188. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors.

189. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

190. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Winding-up subject to the Supervision of the Court.

Power of Court, on application, to direct winding-up subject to supervision.

191. When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up shall continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Petition for winding-up subject to supervision.

192. A petition praying wholly or in part that a voluntary winding-up shall continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding-up the Company by the Court.

Court may have regard to wishes of creditors.

193. The Court may, in determining whether a Company is to be wound up altogether by the Court, or subject to the supervision of the Court, in the appointment of a liquidator or of liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting, to the Court.

In the case of creditors, regard shall be had to the value of the debts due to each creditor, and, in the case of contributories to the number of votes conferred on each contributory, by the regulations of the Company.

Power to Court to appoint additional liquidator in winding-up subject to supervision.

194. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator.

Any liquidator so appointed by the Court shall have the same powers, be subject to the same obligations and in all respects, stand in the same position, as if he had been appointed by the Company.

The Court may, from time to time, remove any liquidator so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Effect of order of Court for winding-up subject to supervision.

195. Where an order is made for a winding-up subject to the supervision of the Court, the liquidator appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all his powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily.

Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court shall, for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court.

In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour

of the official liquidators, the expression "official liquidator" shall be deemed to mean the liquidator conducting the winding-up subject to the supervision of the Court.

Appointment in certain cases of valuntary liquidators to office of official liquidators.

196. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other person, to be official liquidators.

Supplemental Provisions.

Dispositions after commencement of winding-up avoided.

197. Where any Company is wound up by the Court or subject to the supervision of the Court, all dispositions of the property of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

Books of Company to be evidence.

198. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

Disposal of books, accounts and documents of Company.

199. Where any Company has been wound up under this Regulation and is about to be dissolved, the books, accounts and documents of the Company and of the liquidator may be disposed of in the following way; that is to say, where the Company has been wound up by, or subject to the supervision of, the Court, in such way as the Court directs, and, where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs.

But, after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

200. Where an order has been made for winding-up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the

Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

Priority of debts.

200A. (1) In the distribution of the assets of any Company being wound up under this Regulation, there shall be paid in priority to all other debts—

(*a*) all revenue, taxes, cesses and rates, whether payable to the Government of Mysore, or to a local authority, due from the Company at the date of the commencement of the winding-up, and having become due and payable within the twelve months next before that date;

(*b*) all wages or salary of any clerk or servant in respect of services rendered to the Company within the two months next before the commencement of the winding-up, not exceeding one thousand rupees for each clerk or servant; and

(*c*) all wages of any laborer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the Company within the two months next before the commencement of the winding-up.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the Company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

(3) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise, the liquidator or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the Company are and will be sufficient to meet them, as and when the assets come into the hands of the liquidator or official liquidator.

General scheme of liquidation may be sanctioned.

201. The liquidator may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidator may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

202. The liquidator may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory, or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Where compromise proposed, Court may order a meeting of creditors, &c., to decide as to such compromise.

203. Where any compromise or arrangement shall be proposed between a Company which is, at the commencement of this Regulation or afterwards, in the course of being wound up either voluntarily or by or under the supervision of the Court, and the creditors of such Company, or any class of such creditors, it shall be lawful for the Court, in addition to any other of its powers, on the application in a summary way of any creditor or the liquidator, to order that a meeting of such creditors or class of creditors shall be summoned in such manner as the Court shall direct; and, if a majority in number, representing three-fourths in value, of such creditors or class of creditors present either in person or by proxy at such meeting shall agree to any arrangement or compromise, such arrangement or compromise shall, if sanctioned by an order of the Court, be binding on all such creditors or class of creditors as the case may be, and also on the liquidator and contributories of the said Company.

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

204. Where any Company is proposed to be, or is in the course of being, wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first mentioned Company may, with the sanction of special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, receive, in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members

of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies, or other like interests, or in addition thereto, participate in the profits of, or receive any other benefit from, the purchasing Company.

Any sale made, or arrangement entered into, by the liquidator in pursuance of this section shall be binding on the members of the Company being wound up, subject to this proviso that, if any member of the Company being wound up, who has not voted in favor of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may, by writing addressed and left as last aforesaid, require the liquidator to do one of the following things as the liquidator may prefer (that is to say):—either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned; such purchase-money to be paid before the Company is dissolved, and to be raised by the liquidator in such manner as may be determined by special resolution.

No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to, or concurrently with, any resolution for winding-up the Company or for appointing liquidators; but, if an order be made within a year for winding-up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

205. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of arbitrator when questions are to be determined by arbitration.

206. When any dispute so directed to be settled by arbitration has arisen, then, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other party, shall, by writing under his hand, nominate and appoint an arbitrator to whom such dispute shall be referred.

After any such appointment has been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation

If, for the space of fourteen days after any such dispute has arisen, and after a request in writing has been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters in dispute; and in such case the award or determination of such single arbitrator shall be final.

Vacancy of arbitrator to be supplied.

207. If, before the matters so referred are determined, any arbitrator appointed by either party die, or become incapable or refuse, or for seven days neglect, to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if, for the space of seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex-parte*; and every arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, or disability as aforesaid.

Appointment of umpire.

208. Where more arbitrators than one have been appointed, they shall, before entering upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ.

If such umpire die, or refuse, or for seven days neglect, to act, they shall forthwith, after such death, refusal or neglect, appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Power of arbitrators to call for books, &c.

209. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath.

Costs to be in discretion of arbitrators.

210. The costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or their umpire, as the case may be.

Submission to arbitration may be filed in Court.

211. On the application of either of the parties, the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Certain attachments, distresses and executions to be void.

212. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment, distress or execution put in force, without the leave of the Court, against the estate or effects of the Company after the commencement of the winding-up shall be void.

Nothing in this section applies to proceedings by the Government.

Fraudulent preference.

213. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by, or against any individual trader, be deemed, in the event of his insolvency, to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Regulation, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly.

For the purposes of this section, the making of an application for winding-up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a resolution for winding-up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Regulation, of all its estate and effects to trustees, for the benefit of all its creditors, shall be void.

Power of Court to assess damages against delinquent directors and officers.

214. Where, in the course of the winding-up of any Company under this Regulation, it appears that any past or present director, manager or official or other liquidator, or any officer of such Company, has misapplied or retained in his own hands, or become liable or accountable for, any moneys of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager or other officer, and compel him to repay any moneys so misapplied or retained, or for which such officer has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Explanation I.—The banker of a Company is not, as such, an officer within the meaning of this section.

Explanation II.—Proceedings cannot be taken under this section against the representatives of a deceased officer.

Penalty on falsification of books.

215. If any director, officer or contributory of any Company wound up under this Regulation destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes, or is privy to the making of, any false or fraudulent entry in any register, book of account or other document belonging to the Company, with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent directors in case of winding-up by Court.

216. Where any order is made for winding-up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present director, manager, officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the official liquidator or the liquidators (as the case may be) to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Panalty for false evidence.

217. If any person, upon any examination upon oath authorized under this Regulation, or in any affidavit, deposition or solemn affirmation, in or about the winding-up of any Company under this Regulation, or otherwise in or about any matter arising under this Regulation, intentionally gives false evidence, he shall be liable to imprisonment for a term which may extend to seven years and shall also be liable to fine.

Winding-up may be referred to District Court.

218. Where the Chief Court makes an order for winding-up a Company under this Regulation, it may, if it thinks fit, direct all subsequent proceedings to be had in a District Court, and thereupon such District Court shall, for the purpose of winding-up the Company, be deemed to be "the Court" within the meaning of this Regulation, and shall have, for the purposes of such winding-up, all the jurisdiction and powers of the Chief Court.

Transfer of winding-up from one District Court to another.

219. If during the progress of a winding-up in a District Court it is made to appear to the Chief Court that the same could be more conveniently prosecuted in any other District Court, the Chief Court may transfer the same to such other Court, and thereupon the winding-up shall proceed in such other District Court.

PART V.

Registration Office.

Constitution of registration office.

220. The registration of Companies under this Regulation shall be conducted as follows (that is to say):—

(*a*) The Government of Mysore may, from time to time, appoint such Registrars, Assistant Registrars, clerks and servants as it may think necessary for the registration of Companies under this Regulation, and remove them at pleasure:

(*b*) The Government of Mysore may make such regulation as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, clerks and servants as aforesaid.

(*c*) The Government of Mysore may, from time to time, determine the places at which offices for the registration of Companies are to be established, so that no Company shall be registered except at an office within that part of the Territories of Mysore in which, by the memorandum of association, the registered office of the Company is declared to be established;

(*d*) The Government of Mysore may, from time to time, direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies.

(*e*) Every person may inspect the documents kept by the Registrar of Joint Stock Companies. There shall be paid for such inspection such fees as may be directed by the Government of Mysore, not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Government of Mysore may direct, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas, for each hundred words of such copy or extract:

(*f*) The existing Registrar, Assistant Registrars, clerks and other officers and servants in the office for the registration of Joint Stock Companies shall, during the pleasure of the Government of Mysore, hold the offices and receive the salaries hitherto held and received by them, but they shall, in the execution of their duties, conform to any regulations that may be issued by the Government of Mysore:

(*g*) There shall be paid to any Registrar, Assistant Registrar, clerk or servant that may hereafter be employed in the registration of joint stock Companies such salaries as the Government of Mysore may direct:

(*h*) Whenever any act is herein directed to be done to or by the Registrar of joint stock Companies, such act shall, until the Government of Mysore otherwise directs, be done to or by the existing Registrar of joint stock Companies, or in his absence to or by such person as the Government of Mysore may for the time being authorize. But, in the event of the Government of Mysore altering the constitution of the existing registry-office, such act shall be done to or by such officer or officers and at such place or places with reference to the local situation of the registered offices of the Companies to be registered, as the Government of Mysore may appoint.

PART VI.

APPLICATION OF REGULATION TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES ACTS.

Application of Regulation to Companies formed under Act XIX of 1857 or VII of 1860.

221. Subject as hereinafter mentioned, this Regulation, with the exception of Table A in the first schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No VII of 1860, or either of them, in the same manner, in the case of a limited Company, as if such Company had been formed and registered under this Regulation as a Company limited by shares, and, in the case of Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Regulation; with this qualification, that, wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Regulation shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in

the table marked B annexed to Act No. XIX of 1875, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding that such regulations are contained in the memorandum of association.

Application of Regulation to Companies registered under Act XIX of 1857 or VII of 1860.

222. This Regulation shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Regulation; with this qualification, that, wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

223. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

Companies authorized to register under this Regulation.

Companies capable of being registered.

224. With the exceptions made in the next following section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Regulation, consisting of seven or more members, and any Company hereafter formed in pursuance of any Regulation of the Government of Mysore, or being otherwise duly constituted by law and consisting of seven or more members, may, at any time hereafter, register itself under this Regulation as an unlimited Company or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

225. The following regulations shall be observed with respect to the registration of Companies under this Part of this Regulation (that is to say):—

(*a*) No Company having the liability of its members limited by any Regulation of the Government of Mysore, and not being a joint stock Company as hereinafter defined, shall register under this Regulation in pursuance of this Part thereof:

(*b*) No Company having the liability of its members limited by any Regulation of the Government of Mysore, shall register under this Regulation in pursuance of this Part thereof as an unlimited Company, or as a Company limited by guarantee:

(*c*) No life-assurance Company existing at the time of the commencement of this Regulation, and no Company that is not a joint stock Company as hereinafter defined, shall, in pursuance of this Part to this Regulation, register under this Regulation as a Company limited shares:

(*d*) No Company shall register under this Regulation in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(*e*) Where a Company, not having the liability of its members limited, but is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(*f*) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding-up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

Definition of "joint stock Company."

226. For the purposes of this Part of this Regulation, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a joint stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company, when registered with limited liability under this Regulation, shall be deemed to be a Company limited by shares.

Requisitions for registration by Companies.

227. Previously to the registration, in pursuance of this Part of this Regulation, of any joint stock Company, there shall be delivered to the Registrar the following documents (that is to say):—

(*a*) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by itsnumber:

(*b*) A copy of any Regulation of the Government of Mysore, deed of settlement, contract of co-partnery or other instrument constituting or regulating the Company:

(*c*) If any such joint stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars (that is to say):—

the nominal capital of the Company and the number of shares into which it is divided;

the number of shares taken and the amount paid on each share;

the name of the Company, with the addition of the word "limited" as the last word thereof;

with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisition for registration by existing Company not being a joint stock Company.

228. Previously to the registration in pursuance of this Part of this Regulation of any Company not being a joint stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the directors or other managers (if any) of the Company, also a copy of any Regulation of the Govern-

ment of Mysore, deed of settlement, contract of co-partnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Power of existing Company to register amount of stock instead of shares.

229. Where a joint stock Company authorized to register under this Regulation has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement, not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

230. The lists of members and directors and any other particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by declaration of the directors of the Company delivering the same, or any two of them, or of any two other principal officers of the Company, made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

231. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a joint stock Company as hereinbefore defined.

On registration of banking Company with limited liability, notice to be given to customers.

232. Every banking Company existing at the date of the passing of this Regulation which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm having a banking account with the Company.

Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company.

In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

233. No fees shall be charged in respect of the registration in pursuance of this Part of this Regulation of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the share-holders was limited by some Regulation of the Government of Mysore.

Company to change name.

234. Any Company authorized by this Part of this Regulation to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "limited."

Certificate of registration of existing Companies.

235. Upon compliance with the requisitions in this Part of this Regulation contained with respect to registration, and on payment of such fees, if any, as are payable under the tables marked B and C in the first schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Regulation, and, in the case of a limited Company, that it is limited; and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate to be evidence of compliance with Regulation.

236. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Regulation shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Regulation have been complied with, and that the Company is authorized to be registered under this Regulation as a limited or unlimited Company, as the case may be; and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Regulation.

Transfer of property to Company.

237. All such property, moveable and immoveable, including all interests and rights in, to and out of property, moveable and immoveable, and including obligations and actionable claims, as may belong to or be vested in the Company at the date of its registration under this Regulation, shall, on registration, pass to and vest in the Company as incorporated under this Regulation for all the estate and interest of the Company therein.

Registration under this Regulation not to affect obligations incurred previously to registration.

238. The registration in pursuance of this Part of this Regulation of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of, such Company previously to such registration.

Continuation of existing suits.

239. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Regulation have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but, in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding-up the Company.

Effect of registration under Regulation.

240. When a Company is registered under this Regulation in pursuance of this Part thereof, all provisions contained in any Regulation of the Government of Mysore, deed of settlement, contract of co-partnery, or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and articles of association; and all the provisions of this Regulation shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Regulation, subject to the provisions following (that is to say):—

(*a*) That table A in the first schedule to this Regulation shall not, unless adopted by special resolution, apply to any Company registered under this Regulation in pursuance of this Part thereof:

(*b*) That the provisions of this Regulation relating to the numbering of shares shall not apply to any joint stock Company whose shares are not numbered:

(*c*) That no Company shall have power to alter any provisions contained in any Regulation of the Government of Mysore relating to the Company:

(*d*) * * * *

(*e*) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted

prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability, or to pay or contribute to the payment of the costs, charges, and expenses of winding-up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, the provisions hereinbefore contained with respect to the representatives, heirs, and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, shall apply :

(*f*) Nothing herein contained shall authorize any Company to alter any such provisions contained in any deed of settlement, contract of co-partnery or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Regulation, have been contained in the memorandum of association, and are not authorized to be altered by this Regulation.

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Regulation in pursuance of this Part thereof by virtue of any Regulation of the Government of Mysore, deed of settlement, contract of co-partnery or other instrument constituting or regulating the Company.

Power of Court to restrain further proceedings.

241. The Court may, at any time after the presentation of a petition for winding-up a Company registered in pursuance of this Part of this Regulation, and before making an order for winding-up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding-up Company.

242. Where an order has been made for winding-up a Company registered in pursuance of this Part of this Regulation, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be

commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

APPLICATION OF REGULATION TO UNREGISTERED COMPANIES.

Winding-up unregistered Companies.

243. Subject as hereinafter mentioned, any Partnership, Association or Company, except Railway Companies incorporated by any Regulation of the Government of Mysore, consisting of more than seven members and not registered under this Regulation, and hereinafter included under the term "unregistered Company," may be wound-up under this Regulation, and all the provisions of this Regulation with respect to winding-up shall apply to such Company, with the following exceptions and additions:—

(1) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of the territories of Mysore where its principal place of business is situate, or, if it has a principal place of business situate in more than one part of the territories of Mysore, then in each part of the territories of Mysore where it has a principal place of business. Moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of the territories of Mysore) such one of its principal places of business as is situate in that part of the territories of Mysore in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered office of the Company:

(2) No unregistered Company shall be wound up under this Regulation voluntarily, or subject to the supervision of the Court:

(3) The circumstances under which an unregistered Company may be wound up are as follows (that is to say):—

(*a*) whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding-up its affairs;

(*b*) whenever the Company is unable to pay its debts;

(*c*) whenever the Court is of opinion that it is just and equitable that the Company should be wound up;

(4) An unregistered Company shall, for the purposes of this Regulation, be deemed to be unable to pay its debts—

(*a*) whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the secretary or some director or principal officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor;

(*b*) whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the secretary or some director, manager or principal officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not, within ten days after service of such notice, paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suits or other legal proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same;

(*c*) whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied;

(*d*) whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

244. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding-up the Company.

Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid.

In the event of the death or insolvency of any contibutory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

245. The Court may, at any time after the making of an application for winding-up an unregistered Company, and before making an order for winding-up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding-up Company.

246. Where an order has been made for winding-up an unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Regulation, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

247. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding-up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims, and rights into and out of property, moveable and immoveable, and including actionable claims, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company, or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names; and thereupon the same or such part thereof as

may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding-up the Company and recovering the property thereof.

Provisions of this Part of Regulation cumulative.

248. The provisions made by this Part of this Regulation with respect to unregistered Companies shall be deemed to be made in addition to, and not in restriction of, any provisions hereinbefore contained with respect to winding-up Companies by the Court.

The Court or official liquidator may, in addition to anything contained in this Part of this Regulation, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding-up Companies formed under this Regulation; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Regulation, and then only to the extent provided by this Part of this Regulation.

PART IX.

Miscellaneous Provisions.

Company not to buy its own shares.

249. No Company under this Regulation shall have power to buy its own shares.

Saving of existing proceedings for winding-up.

250. Where, previously to the commencement of this Regulation, an order has been made for winding-up a Company under the Indian Companies Act, 1866, or a resolution has been passed for winding-up a Company voluntarily, such Company shall be wound up in the same manner and with the same incidents as if this Regulation were not passed; and, for the purposes of such winding-up, the Indian Companies Act, 1866, shall be deemed to remain in full force.

Saving of conveyances.

251. Where, previously to the commencement of this Regulation, any conveyance, mortgage-deed or other instrument has been made in pursuance of the Indian Companies Act, 1866, such instrument shall be of the same force as if this Regulation had not passed; and, for the purposes of such instrument, the Indian Companies Act, 1866, shall be deemed to remain in full force.

Cognizance of offences.

252. All offences under this Regulation may be tried by any Magistrate of the first class, unless the period of imprisonment to which the offender is liable exceeds that which such officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Regulation exceeds the period that may be awarded by such officer, the offender shall be committed for trial before the Court of Session.

Power to make orders as to costs.

253. Subject to the provisions hereinbefore contained, the Court may, in any proceedings under this Regulation, make such order as to costs as it thinks fit.

Power of Chief Court to make rules.

254. The Chief Court may from time to time make rules, consistent with this Regulation and with the Code of Civil Procedure, concerning the mode of proceedings to be had for winding-up a Company in such Court and in the Courts subordinate thereto, and for giving effect to the provisions hereinbefore contained as to the reduction of the capital and the sub-division of the shares of a Company.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3) If such certificate is worn out or lost, it may be renewed on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4) The directors may, from time to time, make such calls upon the members in respect of all moneys unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the directors.

(5) A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed.

First Schedule.

(6) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent per annum from the day appointed for the payment thereof to the time of the actual payment.

(7) The directors may, if they think fit, receive, from any member willing to advance the same, all or any part of the moneys due upon the shares held by him beyond the sums actually called for; and, upon the moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the directors agree upon.

Transfers of Shares.

(8) The instrument of transfer of any share in the Company shall be executed both by the transferrer and transferee, and the transferrer shall be deemed to remain a holder of such share until the name of the transferee is entered in the register-book in respect thereof.

(9) Shares in the Company shall be transferred in the following form :—

I, *A B*, of in consideration of the sum of Rupees paid to me by *C D* of do hereby transfer to the said *C D* the share (*or* shares) numbered standing in my name in the books of the Company, to hold unto the said *C D*, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said *C D*, do hereby agree to take the said share (*or* shares) subject to the same conditions. As witness our hands the day of .

(10) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may, from time to time, be required by the Company.

(14) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16) The instrument of transfer shall be presented to the Company, together with such evidence as the directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17) If any member fails to pay any call on the day appointed for payment thereof, the directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call together with interest and any expenses that may have accrued by reason of such non-payment.

(18) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that, in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may, at any time thereafter, before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by resolution of the directors to that effect.

(20) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made and that the forfeiture of the share was made by a resolution of the directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to the purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such [illegible].

Conversion of Shares into Stock.

(23) The directors may, with the sanction of the Company previously given in general meeting, convert any paid up shares into stock,

(24) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interest, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interest in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof, respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26) The directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares; such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as directors think expedient.

(27) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the Company.

(28) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions, with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the directors may determine.

(30) Subsequent general meetings shall be held, once at the least in every year, at such time and place as may be prescribed by the Company in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the directors.

(31) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32) The directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

(34) Upon the receipt of such requisition the directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meeting.

(35) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meetings; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the directors.

(37) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows, that is to say:—If the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation that no quorum shall in any case exceed twenty.

(38) If, within one hour from the time appointed for the meeting, a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the next week, at the same time and place; and if, at such adjourned meeting, a quorum is not present, it shall be adjourned *sine die*.

(39) The chairman (if any) of the board of directors shall preside as chairman at every general meeting of the Company.

(40) If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be chairman.

(41) The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

First Schedule.

(42) At any general meeting, unless a poll is demanded by at least five members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

(43) If a poll is demanded by five or more members, it shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in general meeting. In the case of an equality of votes at any general meeting, the chairman shall be entitled to a second or casting vote.

Votes of Members.

(44) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45) If any member is a lunatic or idiot, he may vote by his committee or other legal curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the register of members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47) No member shall be entitled to vote at any general meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48) Votes may be given either personally or by proxy.

(49) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or, if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50) The instrument appointing a proxy shall be deposited at the registered office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51) Any instrument appointing a proxy shall be in the following form:—

Company, Limited.

I, , of , being a member of the Company, Limited, and entitled to vote or votes, hereby appoint , of as my proxy, to vote for me and on my behalf at the (ordinary *or* extraordinary, *as the case may be*) general meeting of the Company to be held on the day of ,

and at any adjournment thereof (*or* at any meeting of the Company that may be held in the year). As witness my hand, this day of
Signed by the said in the presence of

Directors.

(52) The number of the directors, and the names of the first directors, shall be determined by the subscribers of the memorandum of association.

(53) Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

(54) The future remuneration of the directors and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55) The business of the Company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Regulation, or by these articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these articles, to the provisions of the foregoing Regulation, and to such regulations, being not inconsistent with the aforesaid regulations, or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

(56) The continuing directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57) The office of director shall be vacated—

if he, or any partner of his, or the firm of which he is a member, holds any other office or place of profit under the Company;

if he becomes bankrupt or insolvent;

if he is punished under any of the penal provisions of the foregoing Regulation;

if he is concerned in or participates in the profits of any contract with the Company.

But the above rules shall be subject to the following exceptions: that no director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is director; nevertheless, he shall not vote in respect of such contract or work, and, if he does so vote, his vote shall not be counted.

Rotation of Directors.

(58) At the first ordinary meeting after the registration of the Company, the whole of the directors shall retire from office; and at the first ordinary meeting in every subsequent year, one third of the directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59) The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60) A retiring director shall be re-eligible.

(61) The Company at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62) If, at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63) The Company may, from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(65) The Company in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66) The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(67) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but, if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(68) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the directors.

(69) A committee may elect a chairman of its meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(70) A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and, in case of an equality of votes, the chairman shall have a second or casting vote.

(71) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends.

(72) The directors may, with the sanction of the Company in general meeting, declare a dividend to be paid to the members in proportion to their shares.

(73) No dividend shall be payable except out of the profits arising from the business of the Company.

(74) The directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75) The directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared may be forfeited by the directors for the benefit of the Company.

(77) No dividend shall bear interest as against the Company.

Accounts.

(78) The directors shall cause true accounts to be kept—

of the stock in trade of the Company;

of the sums of money received and expended by the Company and the matters in respect of which such receipt and expenditure take place; and

of the credits and liabilities of the Company.

The books of account shall be kept at the registered office of the Company and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in general meeting, shall be open to the inspection of the members during the hours of business.

(79) Once at the least in every year the directors shall lay before the Company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81) A balance-sheet shall be made out in every year and laid before the Company in general meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this table, or as near thereto as circumstances admit.

(82) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84) The first auditors shall be appointed by the directors; subsequent auditors shall be appointed by the Company in general meeting.

(85) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no director or other officer of the Company is eligible during his continuance in office.

(87) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88) The remuneration of the first auditors shall be fixed by the directors; that of subsequent auditors shall be fixed by the Company in general meeting.

(89) Any auditor shall be re-eligible on his quitting office.

(90) If any casual vacancy occurs in the office of any auditor appointed by the Company, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the same.

(91) If no election of auditors is made in manner aforesaid, the Government of Mysore may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may, in relation to such accounts, examine the directors or any other officer of the Company.

(94) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanations or information from the directors, whether such explanations or information have or has been given by the directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the directors, at the ordinary meeting.

Notices.

(95) A notice may be served by the Company upon any member either personally or by sending it through the post in a letter addressed to such member at his registered place of abode.

(96) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of members; and notice so given shall be sufficient notice to all the holders of such share.

(97) Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post, and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

DR. *Balance-sheet (a) of the* *Company made up to* 18 CR.

CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
		Rs.	A.			Rs.	A.
I. CAPITAL.	SHOWING—			III. PROPERTY HELD BY THE COMPANY.	SHOWING—		
	1 The number of shares				7 Immovable property—distinguishing—		
	2 The amount paid per share ...				(a) Freehold land		
	3 If any arrears of calls, the nature of the arrear and the names of the defaulters				(b) ,, buildings... ..		
	4 The particulars of any forfeited shares.				(c) Leasehold		
	SHOWING—				8 Movable property—distinguishing—		
II. DEBTS AND LIABILITIES OF THE COMPANY.	5 The amount of loans on mortgages or debenture bonds				(d) Stock in trade		
	6 The amount of debts owing by the Company—distinguishing —				(e) Plant		
	(a) Debts for which acceptances have been given				The cost to be stated with deductions for deterioration in value as charged to the reserve fund or profit and loss		
	(b) Debts to tradesmen for supplies of stock in trade or other articles				SHOWING—		
	(c) Debts for law expenses ..			IV. DEBTS OWING TO THE COMPANY.	9 Debts considered good for which the Company hold bills or other securities		
	(d) Debts for interest on debentures or other loans ...				10 Debts considered good for which the Company hold no security... ...		
	(e) Unclaimed dividends ...				11 Debts considered doubtful and bad ...		
	(f) Debts not enumerated above ...				Any debt due from a director or other officer of the Company to be separately stated		
	SHOWING—				SHOWING—		
VI. RESERVE FUND	The amount set aside from profits to meet contingencies			V. CASH AND INVESTMENTS.	12 The nature of investment and rate of interest		
	SHOWING—				13 The amount of cash, where lodged, and if bearing interest.. ...		
VII. PROFIT AND LOSS.	The disposable balance for payment of dividends, &c.						
CONTINGENT LIABILITIES.	Claims against the Company not acknowledged as debts... ...						
	Moneys for which the Company is contingently liable						

(a) See clauses 81 and 82 of the foregoing Table A.

First Schedule.

TABLE B.

TABLE OF FEES TO BE PAID TO THE REGISTRAR OF JOINT STOCK COMPANIES BY A COMPANY HAVING A CAPITAL DIVIDED INTO SHARES.

	Rs.	a.	p
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000, the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 20,000 rupees up to 50,000 rupees ...	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 50,000 rupees up to 10,00,000 rupees ...	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 10,00,000 rupees	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account, in the case of fees payable on an increase of capital after registration, the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Regulation exempted from payment of fees in respect of registration under this Regulation, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ...	5	0	0

TABLE C.

TABLE OF FEES TO BE PAID TO THE REGISTRAR OF JOINT STOCK COMPANIES BY A COMPANY NOT HAVING A CAPITAL DIVIDED INTO SHARES :—

For registration of a Company whose number of members, as stated in the articles of association, does not exceed 20 ...	40	0	0
For registration of a Company whose number of members, as stated in the articles of association, exceeds 20 but does not exceed 100	100	0	0

First Schedule.

For registration of a Company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members, or less number than 50 members, after the first 100.

For registration of a Company in which the number of members is stated in the articles of association to be unlimited, a fee of ... 400 0 0

For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase ... 5 0 0

Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.

For registration of any existing Company, except such Companies as are by this Regulation exempted from payment of fees in respect of registration under this Regulation the same fee as is charged for registering a new Company.

For registering any document hereby required or authorized to be registered, other than the memorandum of association. ... 5 0 0

For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ... 5 0 0

TABLE D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE REGULATION.

*The Capital of the Company is Rs divided into shares of each.

The number of shares issued is Calls to the amount of Rs per share have been made, under which the sum of Rs.....has been received

The Liabilities of the Company on the first day of January (*or* July) were :—

Debts owing to sundry persons by the Company :—

Under decree, Rs
On mortgages or bonds, Rs
On notes, bills or hundis, Rs
On other contracts, Rs
On estimated liabilities, Rs

The assets of the Company on that day were :—

Government securities [*stating them*],
Rs., Bills of exchange, hundis and promissory notes, Rs.
Cash at the Bankers, Rs.
Other securities, Rs.

---

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

(SEE SECTION 95.)

FORM A.

MEMORANDUM OF ASSOCIATION OF A COMPANY LIMITED BY SHARES.

1*st.*—The name of the Company is "The Company, Limited."

2*nd.*—The registered office of the Company will be situate in

3*rd.*—The objects for which the Company is established are "
and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—The liability of the members is limited.

5*th.*—The capital of the Company is Rs divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

Names, addresses and descriptions of subscribers.	Number of shares taken by each subscriber.
1. *A. B.* of	
2. *C. D.* „	
3. *E. F.* „	
4. *G. H.* „	
5. *I. J.* „	
6. *K. L.* „	
7. *M. N.* „	
Total shares taken ..	

Dated the *day of*

Witness to the above signatures—

O. P. of

FORM B.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE AND NOT HAVING A CAPITAL DIVIDED INTO SHARES.

Memorandum of Association.

1*st.*—The name of the Company is "The Mutual Calcutta Marine Association, Limited."

2*nd.*—The registered office of the Company will be situate in Calcutta.

Second Schedule.

3*rd.*—The objects for which the Company is established are "the mutual insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and the liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, addresses and descriptions of subscribers.

1. *A. B.* of
2. *C. D.* „
3. *E. F.* „
4. *G. H.* „
5. *I. J.* „
6. *K. L.* „
7. *M. N.* „

Dated the *day of*

Witness to the above signatures—

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

(1) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2) The directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4) The first general meeting shall be held at such time, not being more than three months after the incorporation of the Company, and at such place, as the directors may determine.

(5) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and, if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year at such place as may be determined by the directors.

(6) The above mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(7) The directors may, whenever they think fit, and they shall upon, a requisition made in writing by any five or more members, convene an extraordinary general meeting.

(8) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

(9) Upon the receipt of such requisition, the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and, in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the directors.

(12) No business shall be transacted at any meeting except the declaration of a dividend unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows, that is to say:—if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty; with this limitation, that no quorum shall in any case exceed thirty.

(13) If, within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and, if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die.*

(14) The chairman (if any) of the directors shall preside as chairman at every general meeting of the Company.

(15) If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of such meeting.

(16) The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Second Schedule.

(17) At any general meeting, unless a poll is demanded by at least five members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

(18) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs; and the result of such poll shall be deemed to be the resolution of the Company in general meeting.

Votes of Members.

(19) Every member shall have one vote and no more.

(20) If any member is a lunatic or idiot, he may vote by his committee or other legal curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21) No member shall be entitled to vote at any meeting unless all moneys due from him to the Company have been paid.

(22) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointer, or, if such appointer is a corporation, under its common seal.

(23) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24) Any instrument appointing a proxy shall be in the following form:—

Company, Limited.

I, ,of , being a member of the Company, Limited, hereby appoint , of , as my proxy, to vote for me and on my behalf at the [ordinary *or* extraordinary, *as the case may be*] general meeting of the Company to be held on the day of and at any adjournment thereof [*or* at any meeting of the Company that may be held in the year].

As witness my hand, this day of Signed by the said in the presence of

Directors.

(25) The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

(26) Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

Powers of Directors.

(27) The business of the Company shall be managed by the directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

Second Schedule.

Election of Directors.

(28) The directors shall be elected annually by the Company in general meeting.

Business of Company.

(*Here insert rules as to mode in which business of insurance is to be conducted.*)

Accounts.

(29) The accounts of the Company shall be audited by a committee of five members, to be called the audit-committee.

(30) The first audit-committee shall be nominated by the directors out of the body of members.

(31) Subsequent audit-committee shall be nominated by the members at the ordinary general meeting in each year.

(32) The audit-committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and the vouchers relating thereto.

(33) The audit committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company.

They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may, in relation to such accounts, examine the directors or any other officer of the Company.

(34) The audit-committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by those regulations and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and, in case they have called for explanations or information from the directors, whether such explanations or information have or has been given by the directors, and whether they or it have or has been satisfactory; and such report shall be read together with the report of the directors at the ordinary meeting.

Notices.

(35) A notice may be served by the Company upon any member, either personally, or by sending it through the post in a letter addressed to such member at his registered place of abode.

(36) Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Winding-up.

(37) The Company shall be wound up voluntarily whenever an extraordinary resolution, as defined by the Mysore Companies Regulation, 1895, is passed, requiring the Company to be wound up voluntarily.

Second Schedule.

Names, Addresses and Descriptions of Subscribers.

1.	*A.*	*B.*	of	..	Merchant.
2.	*C.*	*D.*	„	.. ..	„
3.	*E.*	*F.*	„	..	„
4.	*G.*	*H.*	„	..	„
5.	*I.*	*J.*	„	.. ..	„
6.	*K.*	*L.*	„	.. ..	„
7.	*M.*	*N.*	„	.. ..	„

Dated the *day of* 18 .

Witness to the above signatures—

O. P. of

FORM C.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE, AND HAVING A CAPITAL DIVIDED INTO SHARES.

Memorandum of Association.

1*st.*—The name of the Company is " The Hotel Company Limited."

2*nd.*—The registered office of the Company will be situate in

3*rd.*—The objects for which the Company is established are " the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above objects.

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1.	*A.*	*B.*	of
2.	*C.*	*D.*	„
3.	*E.*	*F.*	„
4.	*G.*	*H.*	„
5.	*I.*	*J.*	„
6.	*K.*	*L.*	„
7.	*M.*	*N.*	„

Dated the *day of* 18

Witness to the above signatures—

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of rupees divided into five thousand shares of one hundred rupees each.

2. The directors may, with the sanction of the Company in general meeting, reduce the amount of shares.

3. The directors may, with the sanction of the Company in general meeting, cancel any shares belonging to the Company.

4 All the articles of Table A shall be deemed to be incorporated with these articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses and descriptions of subscribers.	Number of shares taken by each subscriber.
1. *A. B.* of ..	
2. *C. D.* „	
3. *E. F.* „ ..	
4. *G. H.* „	
5. *I. J.* „	
6. *K. L.* „ ..	
7. *M. N.* „	
Total shares taken ..	

Dated the *day of* 18

Witness to the above signatures—

O. P. of

FORM D.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF AN UNLIMITED COMPANY HAVING A CAPITAL DIVIDED INTO SHARES.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered office of the Company will be situate in

3*rd.*—The objects for which the Company is established are "the working of a patent method of , of which method *O. P.* of is the sole patentee."

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* „
3. *E. F.* „
4. *G. H.* „
5. *I. J.* „
6. *K. L.* „
7. *M. N.* „

Dated the *day of* 18

Witness to the above signatures—

Q. R. of

Second Schedule.

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the articles of Table A shall be deemed to be incorporated with these articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses and descriptions of subscribers.	Number of shares taken by subscribers.
1. *A. B.* of	
2. *C. D.* „	
3. *E. F.* „	
4. *G. H.* „	
5. *I. J.* „ .. .	
6. *K. L.* „	
7. *M. N.* „ ..	
Total shares taken ..	

Dated the *day of* 18

Witness to the above signatures—

Q. R. of

FORM E.

AS REQUIRED BY THE SECOND PART OF THE FOREGOING REGULATION.

Summary of capital and shares of the Company made up to the day of

Nominal capital Rs , divided into shares of Rs each.

Number of shares taken up to the day of

There has been called upon each share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held shares therein at any time during the year immediately preceding the said day of showing heir names and addresses and an account of the shares so held.

Second Schedule.

Folio in Register Ledger containing particulars.	NAMES, ADDRESSES AND OCCUPATION.				ACCOUNT OF SHARES.						REMARKS.
	Surname.	Christian name.	Address.	Occupation.	Shares held by existing members on the day of	Additional shares held by existing members during preceding year.		Shares held by persons no longer members.			
						Number.	Date of transfer.	Number.	Date of trasfer.		

REGULATION No. II OF 1896.

(PASSED ON THE 27TH DAY OF OCTOBER 1896.)

A Regulation to provide for the imposition and levy of certain duties on Cotton Goods in the territories of Mysore.

Whereas it is expedient to impose certain duties on Cotton Goods within the territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

PRELIMINARY.

Title. **1.** (1) This Regulation may be cited "The Mysore Cotton Duties Regulation of 1896."

Extent. (2) It extends to the whole of the territories of Mysore; and

Commencement. (3) It shall come into force on and from the first day of December 1896.

Definitions. **2.** In this Regulation unless there be something repugnant in the subject or context—

(*a*) "Deputy Commissioner" means the Deputy Commissioner of a District or such other officer duly authorized by the Government of Mysore to perform all or any of the duties of a Deputy Commissioner under this Regulation.

(*b*) "Cotton yarn" or "yarn" means yarn wholly or partly composed of cotton fibres.

(*c*) "Cotton goods" or "goods" includes all tissues and other articles (except yarn and thread), woven, knitted or otherwise manufactured, wholly or partly, from cotton yarn;

(*d*) "Mill" means any building or place where cotton goods are woven, knitted or otherwise manufactured by machinery moved otherwise than by manual labor, and includes every part of such building or place.

(*e*) "Warehouse" means a place licensed for the storage of goods under this Regulation."

Imposition of duty on cotton goods produced in the Mysore mills. **3.** There shall be levied and collected at every mill in the territories of Mysore, upon all cotton goods produced in such mill, a duty at the rate of 3½ per centum on the value of such goods.

Explanation.—Goods are said to be produced within the meaning of this section when they are issued out of the premises

of the mill. But, in the case of any mill in which the goods are chiefly or largely made up and sold otherwise than as piece-goods, the Government of Mysore may direct that goods shall be reckoned as produced when they are issued out of the weaving section or sections of the mill.

Power to Government to fix tariff values of such goods.

4. (1) The Government of Mysore may from time to time, by notification in the official Gazette, fix, for the purpose of levying the said duties, tariff values of all such goods as aforesaid or of any particular description or descriptions thereof, and alter any tariff values for the time being in force.

(2) Such tariff value shall, for the purposes of this Regulation, be deemed to be the "real value" of the goods to which it applies, but save as aforesaid all goods shall be assessed under this Regulation at their real value.

(3) For the purposes of this Regulation the real value shall be deemed to be—

(*a*) the wholesale cash price, less trade discount for which goods of the like kind and quality are sold or are capable of being sold at the time and place of production, without any abatement or deduction whatever, except of the amount of the duties payable on the production thereof;

(*b*) where such price is not ascertainable, the cost at which goods of the like kind and quality could be delivered at such place, without any abatement or deduction, except as aforesaid.

Delivery o monthly returns of goods produced by mill-owners.

5. (1) The owner of every mill shall prepare and deliver, or cause to be prepared and delivered, to the Deputy Commissioner each month a return of all the cotton goods produced at his mill during the preceding month; and shall subscribe a declaration of the truth of such return at the foot thereof.

(2) Unless otherwise prescribed by any rules under this Regulation, every such return shall state for each description of goods the quantity produced during the period to which the return relates and the real value of such goods.

(3) Every such return shall also contain such further information and be in such form and be subject to such conditions as to verification and otherwise as may be prescribed by any rules under this Regulation.

(4) Each return shall be delivered to the Deputy Commissioner or posted to his address within three working days, and at most within seven days, of the period to which it relates; and the

first of such returns shall be made for the month of December 1896 and shall include all goods produced since the commencement of this Regulation.

Explanation.—The expression "working day" in this sub-section means every day except Sundays; New Year's day, Christmas day; if either of such days falls on a Sunday, the next following Monday; Good Friday; and any other day declared by the Government of Mysore, by Notification in the official Gazette, to be a public holiday.

Assessment of duty and notice requiring payment.

6. (1) The Deputy Commissioner shall, subject to such rules, if any, as the Government of Mysore may prescribe, assess the duties payable in respect of the period to which the return relates, and unless the amount thereof is immediately tendered, shall cause a notice, in such form as may be prescribed by any rules under this Regulation, to be served on the owner requiring him to make payment of the amount assessed within ten days of the date of service of the said notice.

(2) A notice under sub-section (1) may be served on the owner of a mill by delivering or tendering to him or his agent at his ordinary place of business a copy of the notice, or, if this cannot be conveniently done, by fixing a copy of the notice on one of the outer doors of the mill.

Recovery of unpaid duty.

7. (1) If any duty payable under this Regulation is not paid within the time fixed by any such notice as aforesaid for the payment thereof, the Deputy Commissioner may, in lieu thereof, recover any sum not exceeding double the amount of duty so unpaid, which he shall, in his discretion, think it reasonable to require.

(2) All sums recoverable under sub-section (1) shall be recovered in the manner provided for the collection of arrears of land revenue.

WAREHOUSING.

Licensing of warehouses for storage of goods and fees for same.

8. (1) The Government of Mysore may, from time to time, license any room or place as a warehouse for the storage of cotton goods subject to such conditions as it may prescribe for the admission of goods into such warehouses, their safe custody while lodged therein, and their removal therefrom, as well as for the recovery of the duties leviable thereon.

(2) There shall be payable in respect of every such warehouse such licensing fees and other payments as may for the time being be prescribed by rules framed by the Government of Mysore on this behalf.

Provided that the Government of Mysore may remit the whole or any part of such fees or other payments in respect of any particular warehouse.

Permission to deposit goods in warehouses.

9. (1) The owner of any mill may apply for leave to deposit in a warehouse any goods in respect of which duty has become leviable under section 3 and which has not yet been assessed under section 6.

(2) Such application shall be in writing signed by the applicant, and shall be in such form as may be prescribed by the Government of Mysore.

Exemption from assessment of goods so deposited.

10. When any goods have been deposited in a warehouse, the quantity and particulars thereof shall be specified as so deposited in the return made under section 5 for the period in which the goods were produced, or in a separate return for that same period and the said goods shall be omitted in the assessment and collection of duty.

INSPECTION.

Powor to Deputy Commissioner to inspect mills and take copies of records and accounts.

11. (1) The Deputy Commissioner, or any officer duly appointed by the Government of Mysore in that behalf, shall have free access at all reasonable times during working hours to any mill and, subject to any order of the Government of Mysore in this behalf, to any part of any mill.

(2) Any such officer may at any time, with or without notice to the owner, examine the working records, sale records, and accounts of any mill, and take copies of, or extracts from, all or any of the said records or accounts, for the purpose of testing the accuracy of any return, or of informing himself as to any particulars regarding which information is required for the purposes of this Regulation or any rules thereunder.

(3) Any mill-owner may object to submitting to any officer under the rank of a Deputy Commissioner any record or account containing the description or formulæ of any trade process; but in case of such objection, he must submit the same in writing to the officer for transmission to the Deputy Commissioner, and the officer may then and there seal up the record or account pending the orders of the Deputy Commissioner.

Information acquired to be deemed as confidential.

12. All such copies and extracts, and all other information acquired by any such officer on the inspection of any mill, shall be regarded as strictly confidential, and shall not, without the previous consent in writing of the Government of Mysore, be disclosed to any person other than a superior officer.

Section 13.

OFFENCES AND PENALTIES.

Punishments for offences.

13. The offences mentioned in the first column of the following schedule shall be punishable to the extent mentioned in the second column thereof with reference to such offences respectively:--

Offences.	*Penalties.*
1. Contravening any rule made under this Regulation.	Penalty not exceeding five hundred rupees.
2. Concealing or attempting to conceal, or knowingly permitting or procuring to be concealed, any goods liable to duty under this Regulation with intent to evade payment of the duty or any part thereof.	Such goods shall be liable to confiscation, and every person convicted of the offence shall be liable to a penalty not exceeding three times the value of the goods.
3. Omitting to make any return required by section 5 or refusing to sign or complete the same.	Penalty not exceeding one thousand rupees.
4. Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same.	The penalty provided in the Indian Penal Code, section 199, for making a false statement in a declaration.
5. Altering or falsifying any record or book of account kept in the mill with the intention of defrauding the revenue.	The penalty provided in the Indian Penal Code, section 465, for the commission of forgery.
6. Omitting, without reasonable cause, to keep samples as provided in section 15.	A penalty for each offence not exceeding two hundred rupees.
7. Omitting to keep such proper records and books of account as may be prescribed by any rule under this Regulation.	Penalty not exceeding five hundred rupees and a further penalty of twenty rupees for every day after the date of the conviction during which the offence is continued.
8. Omitting to make and deliver any return which by any rule under this Regulation ought to have been made and delivered.	Penalty not exceeding one thousand rupees.
9. Intentionally obstructing any Deputy Commissioner or other officer in the exercise of any powers given under this Regulation.	Imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.

Section 14.

Offences.	*Penalties.*
10. If any goods are found concealed in any place, box or closed receptacle in any mill and are not duly accounted for to the satisfaction of the Deputy Commissioner.	Such goods shall be liable to confiscation.
11. If any goods are found in any mill in excess of the quantity entered in the return or not corresponding with the statment therein contained.	Such goods shall be liable to confiscation or to be charged with such increased duty as the Government of Mysore may direct.
12. If when any cotton goods are passed by tale or by package any omisions or misdescription thereof tending to injure the revenue be discovered.	The person guilty of such omission or misdescription shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to the Government of Mysore by such omission or misdescription, unless it be proved to the satisfaction of the Deputy Commissioner or other officer that the variance was accidental.
13. If any Deputy Commissioner or officer subordinate to a Deputy Commissioner does any act or is guilty of any omission in contravention of this Regulation or of any rule or order made thereunder; or, with intent to cause injury or annoyance to any person, vexatiously and unnecessarily makes use of any power conferred upon him under this Regulation.	Such Deputy Commissioner or officer shall be liable on conviction to a fine not exceeding five hundred rupees.
14 Communicating information in contravention of the provisions of section 12 of this Regulation.	Simple imprisonment for one yea or fine up to 1,000 rupees, or both.

Magistrates having jurisdiction.

14. (1) All offences against this Regulation may be tried only by a District Magistrate or a Magistrate of the first class.

Packages and contents included in confiscation of goods. Also conveyances and animals used in removal.

(2) The confiscation of any goods under this Regulation includes any package in which they are found, and all the other contents thereof.

Every cart or other means of conveyance, and every horse or other animal used in the removal of any goods liable to confiscation under this Regulation, shall in like manner be liable to confiscation.

Sections 15-19.

MISCELLANEOUS.

Samples of certain goods to be taken by mill-owners at time of manufacture and to be available for inspection.

15. (1) The owner of every mill shall, in the case of any goods other than those for which tariff values have been fixed under section 4, take a sample or samples of such goods, at the time of manufacturing the same, and shall preserve such samples for reference for at least six months after the said goods are produced.

(2) Such samples shall be at all times available for inspection by the Deputy Commissioner, or by any officer appointed under section 11, and if the goods themselves cannot conveniently be examined, it shall be sufficient for the purpose of charging the duty leviable thereon under this Regulation to assess their value after an examination of such samples.

(3) The Government of Mysore may define by rule what shall in any specified case be a sufficient sample for the purposes of this section.

Power to Government to reverse or modify orders under this Regulation.

16. The Government of Mysore may, on the application of any person aggrieved by any decision or order passed under this Regulation, reverse or modify such decision or order.

Power to take samples.

17. (1) The Deputy Commissioner or any officer appointed under section 11 may at any time take samples of any goods for examination or for ascertaining the value thereof, or for any other necessary purpose.

(2) The owner may, when required to deliever any sample to an officer appointed under section 11, seal up such sample in a cover addressed to the Deputy Commissioner; and in such case the said officer shall deliver such cover intact to the Deputy Commissioner.

(3) Every sample shall, if practicable, be restored to the owner, or, at his option, sold by the Deputy Commissioner, and the proceeds accounted for to the owner.

Records and accounts to be kept by mill-owners.

18. The owner of every mill shall keep such records and books of account as may be prescribed by any rules under this Regulation.

Mill-owners to make periodical returns of cotton yarn spun by machinery.

19. The owner of every mill or place where cotton yarn is spun by machinery moved otherwise than by manual labor, shall make periodical returns to the Deputy Commissioner of the quantity and description of all such yarns, in such form, with such particulars, and at such intervals, as may be prescribed by any rule under this Regulation.

Power to Government to make rules.

20. (1) The Government of Mysore may, from time to time, make rules under this Regulation,—

(*a*) prescribing the form of any return required by or under this Regulation and the particulars to be contained therein respectively, and the manner in which the same is to be verified, and all such other conditions in respect thereof as may be necessary;

(*b*) requiring returns of yarns spun;

(*c*) prescribing the form of the notice to be issued by the Deputy Commissioner under section 6;

(*d*) regulating the inspection of mills, and the powers and duties of Deputy Commissioners and other officers in respect thereof;

(*e*) regulating the provision of warehouses under this Regulation, and the deposit and discharge of goods therein and therefrom, and the powers and duties of the Deputy Commissioner in respect thereof;

(*f*) prescribing the records and books of account to be kept by owners of mills under this Regulation; and

(*g*) generally, for carrying into effect the provisions of this Regulation.

(2) The application of any such rule may be confined to any place or places specified therein.

When contracts have been entered into, amount of increased or decreased duty to be added or deducted.

21. In the event of any duty on any article being imposed, increased, decreased or remitted under this Regulation, after the making of any contract for the sale of such article without stipulation as to the payment of duty, where duty was not chargeable at the time of the making of the contract, or for the sale of such article duty-paid where duty was chargeable at that time.—

(*a*) if such imposition or increase so takes effect that the duty or increased duty, as the case may be, is paid, the seller may add so much to the contract price as will be equivalent to the duty or increase of duty, and he shall be entitled to be paid and to sue for and recover such addition, and

(*b*) if such decrease or remission so takes effect that the decreased duty only or no duty, as the case may be, is paid, the purchaser may deduct so much from the contract price as will be equivalent to the decrease of duty or remitted duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

Section 22.

Provision with respect to goods in stock.

22. (1) No duty shall be levied under this Regulation on any goods which at the commencement of this Regulation are upon the premises of any mill and are ready for issue therefrom, either without undergoing any further process, or after being made up into bales or packets;

Provided that a list of such goods be made up and deposited with the Deputy Commissioner within seven days from the commencement of this Regulation.

(2) The returns of the production of such goods prepared under section 5 of this Regulation shall be separate from those of other goods.

REGULATION No. III OF 1896.

(PASSED ON THE 5TH DAY OF NOVEMBER 1896.)

A Regulation to amend the Indian Limitation Act, XV of 1877, * as extended to Mysore by the Governor-General's Notification No. 174 J., dated 26th October 1877, and as amended by Act XII of 1879 as introduced into Mysore by the Government of India Notification No. 320, dated 19th November 1879.

Whereas it is expedient to amend the Indian Limitation Act (Act XV of 1877), as it is in force in the territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. Throughout the said Act for the words "British India" read "the territories of Mysore," and for the words "a High Court" read "the Chief Court."

2. In section 1 omit the words commencing from "but" down to "VI of 1831;" and for the words "October, 1877," substitute "January, 1878."

3. In section 2 omit para 1, the word "but" in para 2,and para 3.

4. After section 5 insert the following section:—

"5A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the Chief Court, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor."

5. Omit schedule I.

6. Omit articles 1, 4, 45 and 46 of schedule II.

7. In column 1 of article 7 omit the words "not provided for by this schedule, No. 4."

8. In Clause (*b*) of Article 12 for the word "Collector" read "Deputy Commissioner."

*The Limitation Act, as amended by Regulation III of 1896, has been printed in Volume I, Mysore Code, pp. 418-452.

Sections 9-24.

9. For Column 1 of Article 20 read "By executors, administrators or representatives under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased."

10. In Article 21 for the words and figures "Act No. XIII of 1855" read "Regulation II, 1892."

11. In Article 33 for the words and figures "Act No. XII of 1855 (*to enable executors, administrators or representatives to sue and be sued for certain wrongs*)" read "any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to or by a person deceased."

12. In Article 47 for the words and figures "Chapter XL," read "Chapter XII," and for the word "or the Bombay Mamlatdars Courts Act," read "or the Mysore Land Revenue Code, 1888."

13. In Columns 1 and 3 of Article 84 for the words "Attorney or Vakil" substitute the words "Advocate or Pleader."

14. In Article 135 omit the words "instituted in a Court not established by Royal Charter."

15. Omit Article 146.

16. In Column 3 of Article 148 omit the proviso.

17. In Article 149 for the words "Secretary of State for India in Council," read "Government of Mysore."

18. In Article 151 for the words "of any of the High Courts of Judicature at Fort William, Madras and Bombay" read "of the Chief Court."

19. Omit Article 153.

20. In Article 156 for the words and figures "except in the cases provided for by No. 151 and No. 153," read "except in the case provided for by No. 151."

21. After Article 160 insert the following:—

"160A. For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Ditto	The date of the decree or order."

22. Omit Article 161.

23. In Article 162 for the words "by any of the High Courts of Judicature at Fort William, Madras and Bombay" read "by the Chief Court."

24. Omit Articles 171, 171A and 171B.

Sections 25-30.

25. For No. 171C substitute the following:—

"171. Under section 371 of the Code of Civil Procedure, or under that section and section 582 of the same Code, for an order to set aside an order for abatement or dismissal.	Sixty days.	The date of the order for abatement or dismissal."

26. In Column 1 of Article 173 before the word and figures "No. 162" insert the words, letter and figures "No. 160A and."

27. After Article 173 insert the following:—

"173A. For the issue of a notice under section 258 of the Civil Procedure Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified, when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Ditto	From the date of executing such process."

28. After Article 175 insert the following:—

"175A. Under section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months.	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
"175B. Under section 366 of the Code of Civil Procedure by a defendant, or under that section and section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant."
"175C. Under section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Ditto	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent."

29. Omit Article 177, the words and figures "by No. 180 or" in Column 1 of Article 179, and Article 180.

30. After Article 177 insert the following:—

"177A. For the issue of a notice under section 258 of the Civil Procedure Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified in cases other than those provided for in Article 173A.	One year.	When the payment or adjustment is made."

REGULATION No. I OF 1897.

PASSED ON THE 9TH DAY OF FEBRUARY 1897.

A Regulation to amend the Mysore Legal Practitioners' Regulation, III of 1884.

Whereas it is expedient to amend "The Mysore Legal Practitioners' Regulation, 1884"; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. To section 3 of the said Regulation, the following shall be added, namely:— Addition to section 3, Regulation III, 1884.

"'Tout' means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration." Tout.

2. For section 13 of the said Regulation, the following shal be substituted, namely:— Substitution of new section for section 13, Regulation III, 1884.

"13 A. The Chief Court may suspend or dismiss any Legal Practitioner enrolled under the foregoing provisions, who shall be convicted of any criminal offence implying a defect of character which unfits him to be a Legal Practitioner. Suspension and dismissal of Legal Practitioners convicted of criminal offence.

"13 B. The Chief Court may also, after such inquiry as it thinks fit, suspend or dismiss any Legal Practitioner enrolled as aforesaid- Suspension and dismissal of Legal Practitoners, guilty of unprofessional conduct.

(*a*) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions; or

(*b*) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or

(*c*) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Legal Practitioner; or

(*d*) who, directly or indirectly, procures or attempts to procure the employment of himself as such Legal Practitioner through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given; or

Sections 3-4.

(*e*) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 28; or

(*f*) for any other reasonable cause."

Alteration of section 14, Regulation III, 1884.

3. For the first sentence in section 14 of the said Regulation the following shall be substituted, namely:—

"If a Judge of any Court subordinate to the Chief Court is of opinion that there are grounds for proceeding under the provisions of section 13 B against a Legal Practitioner practising in such Court, such Judge shall cause a formal charge to be drawn up setting forth concisely the said grounds, and shall send a copy of the said charge to him, and also a notice that on a day therein appointed such charge will be taken into consideration."

Substitution of new section for section 28, Regulation III, 1884.

4. For section 28 of the said Regulation the following shall be substituted, namely:—

Power to frame and publish lists of touts.

"28. (1) The Chief Court, the District and Sessions Judge, and the District Magistrate may each, as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout for the purpose of section 13 B, clause *e*)."

REGULATION NO. II OF 1897.

PASSED ON THE 11TH DAY OF FEBRUARY 1897.

A Regulation to provide for the prevention of the outbreak or spread of dangerous Epidemic Disease.

Whereas it is expedient to provide for the prevention of the outbreak or spread of dangerous epidemic disease in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. (i) This Regulation may be called "The Epidemic Diseases Regulation, 1897;" Title.

(ii) It extends to the whole of the territories of Mysore; and Extent.

(iii) It shall come into force at once. Commencement.

2. (i) When at any time the Government of Mysore is satisfied that Mysore or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the said Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation, if any) shall be defrayed. Power to take special measures and prescribe regulations as to dangerous epidemic disease.

(ii) The Government of Mysore may require or empower any person to take such measures as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(iii) In particular, and without prejudice to the generality of the foregoing provisions, the Government of Mysore may take measures and prescribe regulations for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

3. Any person disobeying any regulation or order made under this Regulation shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code. Penalty.

4. No suit or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done, under this Regulation. Protection to persons acting under Regulation.

REGULATION No. III OF 1897.

The Mysore Mines Regulation.

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REGULATION No. III OF 1897.

(PASSED ON THE 2ND DAY OF OCTOBER 1897.)

The Mysore Mines Regulation,

A Regulation to Prevent the Theft of Mining Materials, and to Provide for the Regulation and Inspection of Mines, and for the Sanitation of Mines and their neighbourhood.

Whereas it is expedient to make special provision to prevent the theft of mining materials in the territories of Mysore, and to prevent and punish the offence of receiving and disposing of stolen mining materials; and whereas it is further expedient to make provision for preventing danger to human life or safety, and for the sanitation of the mines and their neighbourhood: Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. This Regulation may be called "The Mysore Mines Regulation, 1897." Short title.

It extends to the whole of the territories of Mysore and shall come into operation on the passing thereof. Local extent and commencement of Regulation.

2. In this Regulation, "Mining operation" shall include— Interpretation

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description; Mining operation.

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(*c*) the manufacture, carriage, storage, and use of all explosives, chemicals and other materials to be employed in such work.

"Mines" includes every place where any mining operation is carried on. Mine.

"Mining Proprietor" or "Proprietor" means and includes any person or persons or company on whose behalf any mining operations are carried on. Mining Proprietor.

"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor. Mining Superintendent.

Mining materials.

"Mining materials" shall include:—

(1) gold-bearing quartz, native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge-gold and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals and materials used in such treatment and extraction;

(3) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations; and

(4) such other materials and things used or intended to be used in mining operations as may be declared by the Government of Mysore from time to time by notification published in the official Gazette to be mining materials.

Inspector of Mines.

"Inspector of Mines" shall include any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, either by general or special order of the Government of Mysore, so far as the performance of such duties is concerned.

PROTECTION OF MINING PROPERTY.

Sections 4, 5, 6, 7 and 8 may be applied to specified areas.

3. The Government of Mysore may, by notification in the official Gazette, direct any specified area to be brought under the provisions of sections 4, 5, 6, 7 and 8 of this Regulation, and may, by like notification, cancel or modify such direction.

Mining materials not to be purchased or removed without written permission.

4. Within any area included in a direction under section 3, no person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive or remove any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor.

Licenses required for gold-smiths, silversmiths etc.

5. [a] It shall not be lawful for any person, within any area included in a direction under section 3, to carry on the profession of a goldsmith or silversmith or engage himself in the melting of gold or silver or in the manufacture of articles of gold or silver without a license in writing obtained for that purpose as hereinafter provided.

Power to grant or cancel a license.

6. A Magistrate of the first class may issue the license referred to in Section 5, and such license shall remain in force till

[a] Section 5 was substituted for the original section by Regulation I of 1900, section 1.

the last day of the official year in which it is issued. On every such license there shall be levied such fee as the Government of Mysore may, by rule, prescribe in that behalf.

A Magistrate of the first class may, for any good and sufficient cause recorded by him in writing, cancel any such license before the expiry of the year for which it is granted, or decline to grant the license for a fresh year. Such an order, if passed by a Magistrate other than the District Magistrate, shall be appealable to the District Magistrate, whose order shall be final.

Power to search.

7. Any Police officer not below the rank of an officer in charge of a Police station, may search any person or any house, building or place for the discovery of any mining material or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Penalty for unlawful possession of mining materials.

8. Any person found within any area included in a direction under section 3, to be in possession of any mining materials without the written permission of a Mining Proprietor or Superintendent within the aforesaid area, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to pay a fine not exceeding five hundred rupees, or to suffer imprisonment for a term which may extend to one year, or to both.

Penalty for breach of sections 4 and 5.

9. Any person committing a breach of any of the provisions of sections 4 and 5 of this Regulation, shall be liable to pay a fine not exceeding five hundred rupees, or to suffer imprisonment for a term which may extend to one year, or to both.

Substitution or addition of whipping in certain cases.

10. It shall be in the discretion of the Magistrate, in the case of any person, not being a female, who shall be convicted of a second offence under sections 8 and 9 of this Regulation, to award whipping under the provisions of Act No. VI of 1864 (*an Act to authorize the punishment of whipping in certain cases*) or of any other law for the time being in force in that behalf, either in substitution of, or in addition to, the penalties provided by this Regulation.

Safety of Persons.

Government may frame general or special rules.

11. All mining operations carried on in the territories of Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety, and for the reporting and investigation of accidents and other matters connected with such mining operations, as may, from time to time, be prescribed in that behalf by the Government of Mysore.

Further rules.

12. Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government of Mysore, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

Provided that the Government of Mysore shall have power to cancel or vary any sanction granted under this section.

Publication of rules.

13. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under sections 11 and 12 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

Penalty for breach of rules.

14. Every person who contravenes, or does not comply with, any rule duly prescribed, shall, for every such offence, be liable to a fine not exceeding one hundered rupees; and in the case of any contravention of, or non-compliance with, any such rule by any person whatsoever being proved, the Superintendent of the mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rule in the working of the mine, to prevent such contravention or non-compliance.

Appointment of Inspector of Mines.

15. The Government of Mysore may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under sections 11 and 12 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations.

Powers of Inspector.

16. The Inspector of Mines shall have power to do all or any of the following things, namely:—

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied with in the case of any mine;

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not unreasonably to impede or obstruct the working of the mine;

(iii) to examine into, and make enquiry respecting, the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duty under this Regulation.

The examination and inquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government of Mysore, delegate the same.

Mining Proprietor or Superintendent to afford facilities to Inspector.

17. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

Notice of defects by Inspector of Mines.

18. If the Inspector of Mines finds that in any mining operation the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

Report to Magistrate and Government.

19. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government of Mysore, a copy of every notice under section 18 which requires any thing to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government of Mysore every non-compliance with a notice issued under section 18.

Objection by Mining Proprietor.

20. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under section 18, he may, within ten days after receipt of the notice, send his objection

in writing, stating the grounds thereof to the Government of Mysore, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

Rules for Arbitration.

21. Arbitrations under this Regulation shall be conducted in accordance with the following provisions:—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government of Mysore, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties, shall nominate another person as umpire.

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the first class shall be an umpire; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final:

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire, as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this

purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their decision shall be final; but whenever there is a difference on all or any of such matters, the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(*i*) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the Government of Mysore; and, together with the costs of the arbitration or award (to be taxed as in a proceeding in a civil court), shall be paid by the parties or one of them as the award may direct.

(*j*) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(*k*) The Government of Mysore may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

Penalty for non-compliance with Inspector's order or award of arbitrators.

22. Any person who intentionally or negligently omits to comply with a notice under section 18, except when an objection has been duly lodged under section 20, or with the terms of an award made under section 21, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

Imprisonment for offences calculated to endanger the safety of persons.

23. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment for a period not exceeding three months.

Sections 24-26.

SANITATION.

Power of Government to make sanitary rules.

24. The Government of Mysore may, from time to time, make rules for the special sanitation of any local area within which mining operations may be carried on. Such rules may provide :—

(i) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(ii) for conserving and guarding against pollution all sources of water-suply;

(iii) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(iv) for the proper cleansing of drains, sewers, latrines and urinals;

[a] (v) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorising the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(vi) for the proper and timely treatment of persons affected with cholera or other epidemic disease, and for preventing the spread of such disease by temporarily prohibiting person affected, or suspected to be affected with it, from moving to or from particular specified places or travelling on particular specified routes.

The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

Constitution of a Local Board for sanitation.

25. For the purpose of carrying out the rules made under the last preceding section the Government of Mysore may appoint any persons, official or non-official, residing within such area, to constitute a Local Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Local Board shall conduct its business for carrying out the said rules.

Punishment for breach of rules framed under section 24.

26. For every breach of rules framed under section 24, the offender shall be liable to a fine not exceeding rupees one hundred.

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[a] This clause was substituted for the original clause v of Section 24 by Regulation VI of 1900.

Sections 27-33.

GENERAL.

Imprisonment for default of payment of fine.

27. Whenever a punishment of fine is prescribed in this Regulation, the Court may sentence the offender also to such imprisonment as may be awarded under section 67 of the Indian Penal Code, in case of default of payment of fine.

Rules requiring returns and delivery of specimens.

28. The Government of Mysore may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Abetment of offences under this Regulation.

29. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Saving of liability for punishment under the Indian Penal Code.

30. Nothing in this Regulation shall be deemed to affect the liability of any person to be tried and convicted under the Indian Penal Code for any offence punishable under that Code which may be committed by him:

Provided that a person shall not be punished twice for the same offence.

Offences against Regulation and rules by whom cognizable.

31. All offences against this Regulation and all breaches of any rules made thereunder shall be cognizable by the District Magistrate or a Magistrate of the first class.

Provisions of the Code of Criminal Procedure to apply to searches.

32. The provisions of the Code of Criminal Procedure (Regulation I of 1886) relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

Publication of rules.

33. All rules made under this Regulation shall be published in the official Gazette and shall thereupon have the force of law. The Government of Mysore may, in like manner, modify or cancel any such rule.

REGULATION NO. IV OF 1897.

(PASSED ON THE TWELFTH DAY OF DECEMBER 1897.)

The Sringeri Jaghir Inam Settlement Regulation.

Preamble.

Whereas the Jaghir of Sringeri as defined in the Schedule hereunto annexed, vests in the Guru of the Sringeri Matt for the time being; whereas the present Guru of the said Matt, His Holiness Srimat Paramahamsa Parivrajakacharya Satchidananda Sivabhinava Narasimha Bharati Swami, has made an application to the Government of Mysore to make a settlement of the Minor Inams, within the said Jaghir of Sringeri; whereas the Minor Inams, granted or recognised by the Sovereign of the time, or granted by the Guru of the said Matt, for the support of Temples and Agraharas, or for other purposes, have, in some cases, been unauthorizedly alienated, and in other cases, the objects of the grant have ceased to exist; and whereas both in compliance with the request of the Guru and for the important purpose of establishing fixity of title and tenure within the Jaghir, the Government of Mysore deems it necessary to direct an investigation into the validity of all existing Inams held within the Jaghir, and their settlement; Her Highness the Maharani-Regent has been pleased to enact as follows:—

Short title. Commencement.

1. This Regulation shall be called "The Sringeri Jaghir Inam Settlement Regulation, 1897." And it shall come into force on the date of the passing thereof.

Introduction of Inam Settlement.

2. It shall be lawful for the Government of Mysore, whenever it may deem expedient, to direct an investigation into, and the settlement of, Inams within the Jaghir of Sringeri.

Settlement how to be conducted.

3. The settlement mentioned in the last preceding section shall be conducted in accordance with the Inam Rules in force in Mysore in so far as they may be applicable, and under such further rules, as, owing to the peculiar conditions of land tenure in the Jaghir, the Government of Mysore may, from time to time, make for the proper carrying out of the Inam settlement in the said Jaghir. The Rules made under this section, when published in the official Gazette, shall have the force of law.

Finality of Settlement.

4. The settlement effected, and the rights and obligations lascertained, determined and defined under the provisions of the last preceding section, shall be binding upon the Jaghirdar and

Section 5.

upon all other persons holding, or having an interest in, land in the Jaghir. On any question decided by the settlement made under this Regulation, an appeal shall lie to the Government of Mysore whose decision thereon shall be final.

Incompetency of Courts to question validity of settlement.

5. It shall not be competent for any Court in the State to question the validity of any settlement made under this Regulation.

SCHEDULE SHOWING THE BOUNDARIES OF THE SRINGERI JAGHIR.

The Jaghir is situated in the centre of the Koppa taluk and is bounded on the—

North by—the Government villages of Hegarsu, Talgod, Kanchi, Malali, Hoshalli, Melbelari, Herur, Chitravalli, Abali, Kammarhalli, Paduvani and Haivalli.

East by—part of the Tunga River and the Government villages of Nidadali, Bhuvankoti, Balavankodagi, Aradavalli, Kodago Kulgar, Kelkoppa, Dayambali, Gumata, Yadur, Kagadi, Kachige and Heggar.

South by—the Government villages of Alaki, Nemmar Majare Valali, Malnadu, Huralikanu, Harur and Handalmane and Kodkani and part of the Tunga River.

West by—the Government villages of Kachodi, Surgodu, Gubgodu, Gundagatta, Kadesirur, Honekodagi, Migga and Kannangi.

ii. A portion of the Koppa taluk shown on the Revenue Survey map as "Part of Sringeri" is situated to the north-west of Sringeri Jaghir proper, and is bounded on the—

North by—the Government villages of Hukali and Nilandur.

East by—the Government village of Heggarsu.

South and West by—a river flowing beside the Government villages of Kanangi and Betgeri.

REGULATION No. I OF 1898.

(Passed on the 8th day of February 1898.)

A Regulation to make better provision for Sanitation in Villages in the Territories of Mysore.

Preamble.

Whereas it is expedient to make better provision for sanitation in villages in the Territories of Mysore: Her Highness the Maharani-Regent has been pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called "The Mysore Village Sanitation Regulation, 1898."

(2) It extends to the whole of the said territories, and

(3) It shall come into force at once.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context—

(1) "Village" means an inhabited site, but does not include a Municipality governed by Regulation; and

(2) "Well" means a well the water of which is habitually used for drinking purposes by all or some of the inhabitants of a village.

Power to make rules regarding conservancy, &c.

3. (1) The Government of Mysore may make rules to—

(*a*) regulate the conservancy of villages;

(*b*) provide for the protection and periodical examination of wells and the water supply in villages;

(*c*) define and prohibit public nuisances in villages; and

(*d*) improve the sanitation of villages in other similar respects.

(2) The power to make rules under this Regulation is subject to the condition that the rules shall not take effect until they shall have been previously published in the Official Gazette and in such other manner as the Government may direct.

Penalty for breach of rules.

4. (1) In making any rule under this Regulation, the Government may direct that a breach thereof shall be punishable with fine which may extend to ten rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) All fines recovered under this Regulation shall be applied as the Government may, from time to time, direct.

REGULATION No. II OF 1898.

(PASSED ON THE 30TH DAY OF MAY 1898.)

A Regulation to further amend the Mysore Civil Courts' Regulation, I of 1883, as amended by Regulations V of 1892 and VI of 1894.

Preamble. Whereas it is expedient to further amend the Mysore Civil Courts' Regulation with a view to enhance the pecuniary jurisdiction of Subordinate Judges and Munsiffs, and to provide for certain other matters: Her Highness the Maharani-Regent is pleased to enact as follows:—

Addition to section 9. **1.** The following shall be added to section 9 of the said Regulation, namely:—

Power to enhance Subodinate Judge's jurisdiction up to Rs. 10,000 or upwards. "Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000, [a] or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject-matter, [a]"

Addition to section 10. **2.** To section 10 of the said Regulation add the following proviso, namely:—

Power to enhance Munsiff's jurisdiction up to Rs. 2,500. "Provided that the Government of Mysore may, whenever it deems fit, and within such local limit as it may, from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 2,500."

Addition after section 17. **3.** After section 17 of the said Regulation add the following:—

Refund of half fee in uncontested cases. "17A. Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorizing him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal.

Provided that the said application is made within six months of the date when the judgment or final order was passed. In all such cases, the party ordered to pay costs shall be charged only with half the amount of the institution fee."

[a-a] These words were added to the proviso to section 9 of the Civil Courts Regulation, 1883, by Regulation III of 1901, s. 1

REGULATION No. I OF 1899.

(PASSED ON THE 25TH DAY OF MARCH 1899.)

A Regulation to assimilate the law relating to Post Offices in Mysore to that which is from time to time in force in British India.

Preamble. Whereas it is expedient to make better provision for the efficient working of the British Postal Department in the territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

Commencement. **1.** This Regulation shall come into force from the date of the passing thereof.

Repeal. **2.** Regulation II of 1895 is hereby repealed.

Offenders in Mysore against the Postal law liable to punishment provided by the Indian Post Office Act and rules and orders thereunder. **3.** Every person who, within the territories of Mysore, commits or omits to do an act which, if committed or omitted to be done by him in British India, would render him liable to punishment under the provisions of the Indian Post Office Act, VI of 1898, or of rules or orders having the force of law issued thereunder by the Government of India, shall be liable to the punishment provided by the said Act or rules or orders.

Liability of offenders to be tried and punished in Mysore as in British India. **4.** Every person liable to punishment under the foregoing section shall be liable to be tried and punished within the territories of Mysore in the same manner as he would have been liable to be tried and punished if the act had been committed or omitted as aforesaid within British India:

Provided that a European British subject so liable shall be tried in accordance with the law relating to the trial of European British subjects for offences committed in the territories of Mysore.

Government and its servants to be protected in Mysore as in British India, and the British Postal law to apply also to Mysore. **5.** The protection accorded to Government and its servants in the discharge of their duty under the Post Office Act of British India shall be equally accorded in the territories of Mysore, and the law of British India for the regulation of Post Offices as well as rules and orders having the force of law in British India, shall be deemed to apply to the territories of Mysore so far as they may be suitable.

REGULATION No. II OF 1899.

(PASSED ON THE 5TH DAY OF APRIL 1899.)

The Mysore Military Regulation, 1899.

Whereas it is expedient to amend the Disciplinary Law applicable to the Mysore Imperial Service Troops, Her Highness the Maharani-Regent has been pleased to enact as follows:—

Sections 4 and 5 of the Standing Orders for the Mysore Imperial Service Cavalry, issued under date the 11th day of February 1897 are hereby cancelled, and in lieu thereof the following Rules for the Punishment of Crime in the Mysore Imperial Service Cavalry and Transport shall come into operation from the passing of this Regulation, which may be cited as "The Mysore Military Regulation, 1899."

RULES FOR THE PUNISHMENT OF CRIME IN THE MYSORE IMPERIAL SERVICE CAVALRY AND TRANSPORT.

PRELIMINARY.

1. [a] All officers, non-commissioned officers, sowars, sepoys, and followers of the Imperial Service Troops are subject to these Rules except on active service when they are under the same rules as laid down in the Indian Articles of War, so far as such rules can be made applicable to them. [a]

I.—DEFINITIONS.

2. The following are military offences:— Military offences.

(1) *Mutiny* is the act of two or more soldiers or followers who join together to resist or disobey lawful authority.

(2) *Violence to superiors.*—Any soldier or follower who strikes, pushes, or threatens to strike or injure any officer or non-commissioned officer of superior rank to himself, whether on or off duty, is guilty of this offence.

(3) *Insubordination* is wilful disobedience in word or deed of any lawful command given by a superior in the execution of his duty or insolence to the same.

(4) *Disobedience* is the non-compliance with any lawful command given by a superior officer (*i.e.*, officer or non-commissioned officer).

[*a-a*] This paragraph was subtituted for the original paragraph 1 by Regulation No. V. of 1900, s. 1.

Section 2.

(5) *Desertion* is absence without leave *with the intention* of not returning. A soldier absent without leave for two months will be considered a deserter, unless his absence can be satisfactorily accounted for.

(6) *Sentry sleeping on or quitting his post.*—A soldier quits his post when the leaves it without being properly relieved.

(7) *Seeking plunder.*—Any officer or soldier who, on active service leaves his regiment or post for the purpose of pillaging the inhabitants of the country, or without authority breaks into any place to plunder, is guilty of this offence.

(8) *Abandoning garrison or post* is the quitting or giving up by any officer or soldier of a garrison, post, or guard committed to his charge, or which it is his duty to defend.

(9) *Betraying watchword.*—A soldier who makes known the watchword or countersign to any person not entitled to receive it is guilty of this offence.

(10) *Corresponding with the enemy* is the holding of any correspondence with, or communicating any intelligence to an enemy, or the knowing of the existence of such correspondence or communication, and omitting to report the same to a superior officer.

(11) *Assisting the enemy* is the assisting or relieving of an enemy with ammunition, provisions, or money, or knowingly harbouring or protecting any enemy of, or person in arms against, the British Government.

(12) *Misbehaviour in presence of the enemy* is cowardice or casting away arms or ammunition in presence of an enemy, or using words calculated to discourage or to induce any officer or soldier to abstain from acting against an enemy.

(13) *Creating false alarm* is the spreading of a report by word or letter calculated to cause false alarm, or intentionly doing some act which will cause a false alarm.

(14) *Assaulting persons bringing provisions* is the using of force against or assaulting any person bringing in provisions or other necessaries to the camp.

(15) *Striking or forcing a sentry.*—Anybody wilfully doing an act to prevent which a sentry has been posted forces that sentry, and thus becomes guilty of this offence.

(16) *Unbecoming behaviour in an officer* is the commission of any offence, derogatory to the rank and position of an officer, and calculated to lower him in the eyes of his men.

(17) *Absence without leave.*—A soldier or follower is guilty of this offence who leaves his regiment without permission, or who overstays leave granted to him without a sufficient cause.

(18) *Releasing prisoner* is without proper authority releasing a prisoner placed under his charge, or allowing him to escape.

(19) *Drunkenness on duty* is intoxication with spirits or drugs when on or warned for any duty, or on parade or the line of march.
(*N. B.*—The line of march is the distance between the station of departure and that of destination).

Section 2.

(20) *Breaking arrest* is the leaving of quarters, place of confinement or lines without permission when under arrest, in confinement, or under punishment

(21) *Striking subordinate* is the ill-treating of any soldier or camp-follower junior in rank or position.

(22) *Extortion* is the demanding of money, goods, or position by threatening, exposure, punishment, etc., or by holding out hopes of advancement or gain.

(23) *Defiling place of worship* is intentionally doing an act in connection with a place of worship calculated to wound the feelings of those who are in the habit of using that or similar places for the purposes of religion.

(24) *Injuring or making away with horse, arms, clothing or equipment* is wilfully, or through neglect, injuring, losing, concealing, removing, selling, or delivering to any unauthorized person the horse, arm, clothings, or equipment, entrusted to the care of a soldier.

(25) *Embezzlement* is dishonestly misappropriating or converting to his own use money, provisions, forage, arms, equipment, or military stores of any kind entrusted to the charge of an officer or soldier, or dishonestly using, or disposing of such property, or dishonestly receiving or retaining any such property, knowing or having reason to believe it had been dishonestly misappropriated or converted.

(26) *Destroying Government property* is the wilful injuring or destroying of property belonging to the State, or to the Government of India.

(27) *Giving false evidence* is, after being duly sworn, or affirmed, making a false statement, knowing or believing it to be false, before a Court-Martial or other Military Court competent to administer an oath or affirmation.

(28) *Malingering* is feigning, producing, or aggravating illness or intentionally delaying cure.

(29) *Wilfully causing hurt* is the intentional injuring by a soldier or follower of himself or other person with intent to render himself or other person unfit for the service.

(30) *Theft* is the taking of an article which does not belong to the taker, without lawful permission.

(31) *Making false returns* is knowingly furnishing a false return or report, or, through design or culpable neglect, omitting or refusing to send or make a true return or report.

(32) *Other fraudulent offences* are such other acts as are done with intent to defraud, or cause wrongful loss to one person or wrongful gain to another.

(33) *Harbouring deserter* is knowingly concealing a deserter, or knowing where he is located, not giving information thereof to his Commanding Officer.

Section 2.

(34) *Failure to rejoin* is, when a soldier or follower on leave of absence having received information from proper authority that his regiment or corps has been ordered on service, failing, without sufficient cause, to rejoin without delay.

(35) *Failure to attend parade* is without sufficient cause failing to appear, at the fixed time, at the parade, or place appointed for exercise or duty.

(36) *Taking bribes* is directy or indirectly requiring, accepting, or obtaining, or agreeing to accept or obtain, for oneself or some other person, any gratification as a motive or reward for procuring the enlistment, leave, promotion, appointment, etc., of any person in the service.

(37) *Habitual drunkenness* is intoxication more than four times in three months.

(38) *Contempt of Court* is the intentional offering of any insult to a Court-Martial, or causing interruption or disturbance to a Court-Martial, or using menacing word, sign, or gesture in the presence of a Court-Martial.

(39) *Offences against Courts-Martial* are intentionally omitting to attend when duly summoned, prevaricating, refusing to take an oath, or to make affirmation, refusing to answer a question, refusing or neglecting to produce or give up any book or document ordered by the Court to be produced or given up.

(40) *Cruelty or indecency* is the committing of any offence of a cruel, indecent or unnatural kind, or attempting any such offence, or doing any act towards its commission.

(41) *Enlisting a deserter* is enlisting a person, knowing or having reason to believe that he is a deserter.

(42) *Quitting parade or line of march* is the doing so without sufficient cause, or without leave from a superior officer.

(43) *Appearing armed in camp* is appearing, when off duty, without proper authority, in or about camp, or cantonments, or in or near any bazaar, or town, carrying a sword, bludgeon, or other offensive weapon.

(44) *Writing anonymous letters* is the writing, or causing to be written, any letter or document not bearing a signature with a view to injuring the person or persons written about.

(45) *Conduct prejudicial to good order and military discipline* is being guilty of any act or omission considered prejudicial to good order and military discipline which a Court-Martial can try (*i. e.*, military offences not already specified).

(46) *Abetment* is either directly or indirectly aiding in the actual commission of a crime.

(47) *Chief Commandant* shall mean the officer entrusted for the time being with the command of the Mysore Troops.

Sections 3-4.

II.—Powers of Commanding Officer.

3. The following crimes will be dealt with by Commanding Officers, unless owing to frequent repetition, or the gravity of the offence, they think it advisable to report the matter to higher authority, in which case, they will, in making the report, give a definite expression of opinion as to what punishment, or action, they suggest— Powers of Commanding Officer.

Drunkenness.
Insubordination.
Gambling.
Striking soldiers.
Wilfully causing hurt.
Absence without leave.
Failure to attend parade.
Irregularities on guard, or sentry duty in peace time.
Neglect or maltreatment of a horse, pony, or mule.
Creating a disturbance.
Conduct to the prejudice of good order and military discipline.

4. For the foregoing offences Commanding Officers may award the following summary punishments, *viz.*—

(*a*) *Imprisonment,* with or without hard labour, to the extent of seven days. This punishment, which is to be reckoned from the time of the Commanding Officer's award, is to be carried out in the quarter-guard, prisoners' room, or cell. An award of imprisonment may be accompanied by an award of confinement to the lines, but both together must not exceed 30 days. Imprisonment.

(*b*) *Confinement to lines,* for any period not exceeding thirty days, which carries with it punishment drill to the extent of fifteen days, the taking of all duties in regular turn, attending parades, and being further liable to be employed on duties of fatigue at the discretion of the Commanding Officer. Every award of confinement to lines for fifteen days and under, is to carry with it punishment drill, which will be carried out in marching order under the supervision of a non-commissioned officer, detailed by the Adjutant for the purpose, and must never exceed two hours a day and one hour at a time. Confinement to lines.

(*c*) Deprivation of good conduct pay, either as a substantive punishment, or in addition to any other minor punishment. Deprivation of G. C. P.

Confinement to the lines or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

(*d*) *Extra guards and duties*—These are only to be ordered as a punishment for minor offences or irregularities when on or parading for these duties and will not exceed three. Extra guards and duties.

(*e*) *Stoppages of pay* for absence without leave, but only for the number of days absent Stoppages of pay.

Sections 5- 0.

The stoppages for absence without leave will be made at the rate of four annas a day if the absence extends for less than a full month; for absence extending to a month the whole pay for the month will be forfeited. Stoppages will be enforced for each day, or portion of a day of absence without leave. Overstaying leave will be considered equivalent to, and will be dealt with as, absence without leave. Confinement to the lines, or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

Stoppage of leave.

(*f*) *Stoppage of all leave* during the ensuing six months or forfeiture of the next furlough due.

Stoppages of forage allowance.

(*g*) *Stoppage of whole, or part, of any extra forage allowance,* for the current month, for all ranks that receive it. This punishment is to be reserved for cases of neglect, or maltreatment of horses, ponies, or mules. To be entered in defaulter book as a fine.

Arrest of officers.

5. Commanding Officer on receiving a complaint, or coming to the knowledge of circumstances tending to incriminate an officer, will, if he is satisfied by inquiry that it will be necessary to proceed with the case, place him under arrest, and at once report the case to the Chief Commandant for the orders of Government.

Release from arrest.

6. An officer placed under arrest by the Commanding Officer will not be released from arrest without the sanction of Government.

Punishment of non-commissioned officers.

7. Commanding Officers will award non-commissioned officers (including lance dafadars) only the following minor punishments:—

(*a*) reprimand.
(*b*) deprivation of good conduct pay.
(*c*) stoppage of any extra forage allowance.

For serious offences, non-commissioned officers should be placed under arrest, and their offences reported to the Chief Commandant. Non-commissioned officers should not be reprimanded in the presence or hearing of subordinates, lest their authority be weakened and their self-respect lessened.

Alteration of punishments.

8. No award of punishment will be increased for any one offence once the prisoner has left the Commanding Officer's presence, and no punishment once awarded will be reduced, except with the sanction of Government.

Persons to be present at investigation.

9. The Squadron Commander, Troop Commander, Troop dafadar-major and section commander will be present when a prisoner is brought before the Commanding Officer, and the man's sheet-roll will be produced by the Troop Commander in order that his previous character may be ascertained.

Record of punishments.

10. All awards of punishment will be first entered in the general defaulters' book, and then copied into the men's sheet-rolls.

Sections 11-16.

PUNISHMENT OF FOLLOWERS.

Punishment of followers.

11. Followers are subject to the following punishments by Commanding Officers:—

Menial servants to—

Dismissal.	15 days' confinement to the lines.
3 days' imprisonment.	6 strokes of a cane.
	[*a*] Fines not exceeding a day's pay for each offence. [*a*]

Others to—

Dismissal.

Fines, not exceeding half their monthly pay in any one month, and not exceeding two months' pay in the year.

Transport followers.

12. Transport followers of and below the grade of dafadar-drivers are subject to the following punishments for serious offences, which will always be inquired into and dealt with by Commanding Officers:—

(*a*) *Dismissal.*
(*b*) *Imprisonment up to* 7 *days.*
(*c*) *Confinement to the lines up to* 30 *days.*
(*d*) *Extra stables, and extra inspection parades of saddlery and equipment.*

III.—POWERS OF SQUADRON COMMANDERS AND ADJUTANTS.

Powers of Squadron Commanders and Adjutants.

13. Squadron Commanders and Adjutants may award to sowars—

Ten days' confinement to the lines carrying with it punishment drill
Extra stables not exceeding half an hour at a time.
Extra inspection parades of uniform, saddlery and equipment.
Extra drill not exceeding one hour a day, for not more than three days.

Powers of officers when officiating.

14. Officers officiating as Commandants, Squadron Commanders and Adjutants are authorized to award the punishment which may be awarded by those ranks.

Transport drivers.

15. To transport drivers the Adjutant may award—

(*a*) *Ten days' confinement to the lines with extra stables.*
(*b*) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.*
(*c*) *Extra inspection parades (not exceeding three) of saddlery and equipment.*

IV.—POWERS OF TROOP OFFICERS.

Powers of Troop officers.

16. Risaldars, and Jamadars when in command of troops may award—

(*a*) *Seven days' confinement to the lines,*
(*b*) *Extra drill not exceeding one hour a day, for not more than three days.*

[*a*] These words were added to para 11 by Regulation IV of 1901, s. 1.

(*c*) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.*

(*d*) *Extra inspection parades (not exceeding three) of saddlery and equipment.*

17. Jamadars (not in command of troops) may award—

(*a*) *Three days' confinement to the lines.*
(*b*) *Extra drill, not exceeding one hour a day, for not more than three days.*

V.—RISALDAR-DRIVERS.

Of Risaldar-drivers.

18. Risaldar-drivers may award to drivers—

(*a*) *Three days' confinement to the lines with extra stables.*
(*b*) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding four in all.*
(*c*) *Extra inspection parades (not exceeding two) of saddlery and equipment.*

VI.—JAMADAR-DRIVERS.

Of Jamadar-drivers.

19. Jamadar-drivers may award extra stables not exceeding half an hour at a time but not more than two in all.

VII.—ASSISTANT-SURGEONS AND HOSPITAL-ASSISTANTS.

Of Assistant Surgeons and Hospital-Assistants.

20. Assistant-Surgeons may award up to 15 days' and Hospital-Assistants up to 10 days' confinement to the hospital compound to hospital servants; all punishments so awarded must be reported on the following morning to the Commanding Officer.

VIII.—POWERS OF OFFICERS IN COMMAND OF DETACHMENTS.

Powers of officers in command of detachments.

21. Commanding Officers may, if they consider it desirable and necessary, authorise any officer, of whatever rank, who may be in command of a detached party, or outpost, to award any or all of the minor punishments which the Commanding Officer of a regiment may award (under Section IV), notifying their action to the Chief Commandant for the information of Government.

22. All awards by Squadron Commanders, Troop and Transport officers must be reported to the Adjutant in writing, for entry in the general defaulters' book and submission to the Commanding Officer.

IX.—POWERS OF CHIEF COMMANDANT.

Summary powers of C.C.

23. The following punishments may be awarded by the Chief Commandant.

(*a*) To non-commissioned officers—

(1) Reprimand.
(2) Loss of standing.

(3) Reduction to the ranks, or to a lower grade.

(4) Imprisonment up to 28 days, with or without hard labour, but no non-commissioned officer can be awarded imprisonment without first having been reduced to the ranks.

(*b*) To sowars, and all followers—

(1) Imprisonment up to 28 days, with or without hard labour.

(2) Dismissal, but in the case of a sowar or sepoy, only if he has less than five years' service.

(*c*) To Risaldar and Jamadar-drivers of transport—

(1) Reprimand.

(2) Reduction to a lower grade.

(3) Fine not exceeding half the pay for any one month, and not exceeding three months' pay in any one year.

(4) Dismissal.

24. An officer can be reprimanded, but connot otherwise be punished by the Chief Commandant.

25. Should the Chief Commandant consider that an officer has committed an offence for which a reprimand is not a sufficient punishment, he will report the case for the orders of Government. Cases how to be dealt with by C. C. . ...

26. Should the Chief Commandant come to the conclusion that an officer who is accused of an offence has erred through incapacity rather than with intention, he should, in forwarding the case for the orders of Government, give reasons for the conclusion he has come to.

27. The Chief Commandant is empowered to discharge summarily any person, of whatever rank, who may have enlisted without declaring his previous service, whether in the British (Native) Army, in an Imperial Service Corps or in the military service of any State. Summary discharge of men who have re-enlisted.

X.—Investigation of charges.

28. When an accusation is made against any officer or non-commissioned officer, or when any serious charge is preferred against, or any serious crime committed by, any person subject to these Rules, an immediate report is to be made to the Chief Commandant for his information. Investigation of charges.

29. The Chief Commandant will thereupon arrange to personally investigate the case. Provided that should he be unable to make such personal investigation within the 48 hours prescribed by the following Rule (30) he shall forthwith transfer the case for the disposal of such officer as may be appointed in that behalf by general or special order of Government.

30. Not more than 48 hours (Sunday and the weekly holiday excluded) must be allowed to elapse between the receipt of the report and the investigation of the case.

31. The Commanding Officer is responsible that, when such cases are brought up for investigation, they are brought as complete as possible, and that all witnesses, both those for and those against the offender are present.

Disposal after investigation.

32. After the investigation has been completed, the Chief Commandant will either—

(1) Punish the offender (under paragraph 23) or
(2) Report the case to Government for orders.

33. All punishments awarded by the Chief Commandant will be duly entered in the general defaulters' book and in the sheet-rolls.

34. (*a*) The Chief Commandant is not authorized to cancel, remit or reduce any summary award of punishment made by a Commanding Officer in accordance with these Rules without the approval of Government.

(*b*) All cases, in which the Chief Commandant may be of opinion that the Regimentdar's recommendations should not be accepted, shall be submitted by the Chief Commandant for the orders of the Government in the following form :—

Date and No. of Regimentdar's recoemmndation.	Brief statement of facts.	Regimentdar's recommendations.	Chief Commandant's opinion.	Orders of Government.

All such references will be returned to the Chief Commandant with the order of Government duly entered in the last column.

35. By an executive order, the Government may, at any time, add to, modify, or cancel any of the powers specified in paras 3 to 34 of these Rules, and provide for their exercise by such officer and in such manner as it may from time to time think fit.

XI.—COURTS-MARTIAL.

Court Martial.

36. [*a*] The procedure to be observed for assembling and composition of courts-martial on service will be the same as that laid down in the Indian Articles of War. [*a*]

Composition.

37. In time of peace a Court-Martial under these Rules will consist of a President not under the rank of Squadron Commander and two officers as members. For the trial of an officer, the number of members will ordinarily be four, of whom at least two should be senior to the prisoner, and, if possible, the remainder should be of equal rank to the prisoner. Provided that where four officers are not present and available, two will suffice.

[*a-a*] This paragraph, was substituted for the original paragraph 36, by Regulation No. V of 1900, s. 2.

Sections 38-48.

38. A Court-Martial will be convened by the Chief Commandant with the sanction of Government. The proceedings will be confirmed by Government. By whom convened.

39. Courts-Martial will only be resorted to in case of serious offences, or when it is found that milder measures have not had the desired effect, eor when it is thought desirable in the interests of discipline that an example should be made.

40. When application has been made for a Court-Martial to be assembled, no witness is to be allowed to leave the station except in case of severe sickness, or public emergency. The death or absence of any material witness is to be immediately reported to the Chief Commandant for the information and orders of Government.

41. An officer employed on Court-Martial duty is not to be allowed to leave the station until the sentence of the Court-Martial is confirmed, except with the special sanction of Government.

42. A prisoner ordered for trial by Court-Martial must have the charge or charges on which he is to be tried read over and carefully explained to him at least 24 hours before the trial commences, and he will at the same time be called upon to give the names of the witnesses whom he desires to be called in his defence.

43. No man can be tried by Court-Martial on a charge of which he has already been acquitted or convicted by a Civil Court or a Court-Martial.

44. No person will be tried or punished by a Court-Martial for any military offence after the expiration of three years from the date of the commission of that offence unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined or brought to trial within that period, in which case he will be liable to trial at any time not exceeding two years after such impediment shall have ceased. Statute of limitation.

45. Members will take their places in Court by seniority, and on a vote being taken, the President will call on the junior to give his vote first, and then in rotation to the senior member, the President himself voting last. No written record will be kept of the votes of the different members. Precedence of Members of Courts-Martial.

46. A munshi to keep a record of the proceedings in writing, will be in attendance, and will be solemnly affirmed, but will not be a member of the Court or take any part in the proceedings. Proceedings to be recorded by Munshi.

47. When being tried by Court-Martial, an officer or a non-commissioned officer should be placed under the custody of an officer or a non-commissioned officer of equal or superior rank.

48. The Adjutant, or other specially appointed officer will act as prosecutor. It is his duty to see that all witnesses are present, and that those for the prosecution give evidence bearing on the case; also that all documents required in the case are laid before the Court. Prosecutor.

Sections 49-54.

XII.—PROCEDURE OF COURTS-MARTIAL.

Procedure of Courts-Martial.

49. At a trial by Court-Martial, as soon as the Court is assembled, the names of the President and members shall be read over in the presence of the prisoner, each one answering to his name. The prisoner shall then be asked whether he objects to be tried by any of the officers composing the Court. If any objection is made, the prisoner's objection and the explanation of the officer concerned shall be heard and recorded by the munshi on a separate sheet of paper, and the Court will then, in the absence of the challenged officer and the prisoner, decide the objection. If found valid, the Court will adjourn and report the case to the Chief Commandant who will appoint another officer as member. If the objection is not found valid, the Court will proceed with the trial of the prisoner.

Oaths.

50. The president and members of the Court will then make the following solemn affirmation:—

"I,_____, solemnly affirm in the presence of Almighty God that I will duly administer justice without partiality, favour, or affection, and, if any doubt shall arise, then according to my conscience, the best of my understanding, and the custom in like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further that I will not disclose or discover the vote or opinion of any particular member of the Court unless required to give evidence thereof by a Court of justice or a Court-Martial in the due course of law."

51. The munshi will make the following solemn affirmation:—

"I,_____ _____, solemnly affirm in the presence of Almighty God that I will faithfully write the record of the proceedings of this Court, and that I will not divulge the sentence until it shall have been published by authority; and further that I will not disclose or discover the vote or opinion of any member of the Court unless required to give evidence thereof by a Court of justice or Court-Martial in the due course of law."

52. All witnesses, before being examined, will make the following solemn affirmation:—

"I solemnly affirm in the presence of Almighty God that what I shall state before this Court shall be the truth, the whole truth, and nothing but the truth."

Prisoner's plea.

53. Whether the prisoner pleads "guilty" or "not guilty" or whatever the plea may be, the Court-Martial must always take evidence regarding the charge preferred against him.*

Witnesses.

54. All witnesses who appear before a Court-Martial must be examined in the presence of all the members of the Court-Martial and of the accused.

* One witness is usually sufficient to substantiate a charge to which the prisoner has pleaded guilty.

Sections 55-63.

55. The prisoner has the right to cross-examine any witness who gives evidence in Court.

56. Witnesses are to be called before the Court separately, and must be examined separately; during the examination of a witness no other witness may be present in or within hearing of the Court.

57. Every decision of a Court-Martial must be passed by a majority of votes. Voting.

58. If the votes are equal as to either finding or sentence, the decision shall be in favor of the prisoner.

59. In all matters other than the finding or sentence, the President shall have a casting vote.

60. Except in the following cases, no prisoner can be convicted of an offence other than the offences mentioned in the charge-sheet.

A person charged with—	May be found guilty of—
(1) Desertion.	(1) Attempting to desert or Absence without leave.
(2) Attempting to desert.	(2) Desertion, or Absence without leave.
(3) Theft, or dishonest misappropriation, or criminal breach of trust, or dishonestly receiving or retaining stolen property.	(3) Any one of those offences.
(4) An offence committed under circumstances involving a higher degree of punishment.	(4) The same offence under circumstances involving a less degree of punishment.

61. When any person is convicted by a Court-Martial of any offence, the prosecutor will be required to produce evidence of any previous conviction of such person, and further a record of his general character should he be under the rank of an officer, and such evidence shall be inquired into and recorded by the Court. For this purpose the prisoner's sheet roll and a copy thereof will be laid before the Court and the latter, after having been compared with the original, will be attached to the proceedings. Evidence of character.

62. Whenever a sentence of imprisonment is awarded by a Court-Martial to an offender already under sentence of imprisonment for a limited term, the Court may award imprisonment to commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence. Award of imprisonment to a man already undergoing imprisonment

XIII.—Confirmation.

63. The proceedings of every Court-Martial shall, after being signed by the President and members, be sent in a sealed envelope by the hand of the munshi who wrote them, to the Chief Commandant for confirmation by Government. Disposal of proceedings.

Sections 64-68.

Confirmation.

64. The confirming authority may confirm or not confirm the sentence, or may reduce the punishment awarded, or may order the Court-Martial to re-assemble to re-consider or revise their finding or sentence, or both. For this purpose a Court-Martial may only be once re-assembled.

Revision.

65. When a Court-Martial re-assembles to re-consider or to revise its finding or sentence, or both, it may take additional evidence.

66. A Court-Martial when thus re-assembled must consist of the same officers as originally served on it. If any of these are unavoidably absent and if revision cannot, in consequence, be properly carried out, the finding or sentence, or both may in such case be altered by the confirming authority.

XIV.—PUNISHMENTS.

Punishments.

67. The following are the punishments to which soldiers and followers are liable for committing military crimes:—

OFFICERS, ASSISTANT SURGEONS, AND HOSPITAL ASSISTANTS.

(1) Death.
(2) Imprisonment, * with or without hard labour.
(3) Dismissal.†
(4) Suspension from rank, pay, and allowances.
(5) Loss of standing.
(6) Reprimand or severe reprimand.
(7) Forfeiture of arrears of pay and allowances.‡
(8) Stoppages.§

NON-COMMISSIONED OFFICERS AND SOWARS.

(1) Death.
(2) Imprisonment, with or without hard labour‖
(3) Dismissal.¶
(4) Loss of standing.
(5) Reduction to a lower grade or to the ranks.
(6) Corporal punishment, not exceeding 50 lashes.¶
(7) Forfeiture of arrears of pay and allowances.‡
(8) Stoppages.§

REGIMENTAL, TRANSPORT AND HOSPITAL FOLLOWERS—

(1) Death.
(2) Imprisonment, with or without hard labour.*
(3) Dismissal.‡
(4) Corporal punishment, not exceeding 50 lashes.
(5) Fines.

68. *Death*—This sentence can only be awarded by Courts-Martial assembled [a] under these Rules [a] on service.

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* See paragraph 62.
† See paragraph 90.
‡ See paragraphs 90 and 91.
§ See paragraph 92.
‖ See paragraphs 62, 69 and 85.
¶ See paragraph 85.

[a-a] These words in sections 68, 78 and 79 were inserted by Regulation V. of 1900, s. 3.

Sections 69-77.

69. *Imprisonment.*—Sentences of imprisonment with hard labour for more than three calendar months will be carried out in the Civil Jail and will involve dismissal from the service. Officers must be sentenced to dismissal, and non-commissioned officers to reduction to the ranks *before* being sentenced to imprisonment. Sentences of imprisonment with hard labour for three months, or of any less period, and all sentences of imprisonment without hard labour, will be carried out in the regimental quarter-guard, prisoners' room, or cells.

70. *Suspension from rank, pay, and allowances.*—This sentence must never exceed three months.

71. *Loss of standing* can only be inflicted in the rank held by the prisoner at the time of sentence; thus a Risaldar or Jamadar can only be placed some places lower in, or at the bottom of, the list of Risaldars or Jamadars as the case may be.

72 *Reprimand or severe reprimand.*—This sentence will be communicated to the prisoner by the Chief Commandant in the presence of all the officers of the Imperial Service Troops.

73. *Reduction to a lower grade* or to the ranks.*—This punishment is only awardable in the case of non-commissioned officers including Lance-Dafadars.

74 *Corporal punishment* must not exceed 50 lashes. The sentence will be inflicted on parade in the presence of the regiment or detachment on the bare back with a "cat" of the following description:—length of wooden handle, 18 inches; number of cords, nine, of thin whip cords, each 24 inches long, with three knots upon each cord. When corporal punishment is inflicted, a medical officer must attend, and if during the execution of the sentence it appears to him that the prisoner is not in a fit state of health to undergo the remainder of the punishment, the whipping will be finally stopped. Sentences of corporal punishment are not to be carried into effect on Sundays, except in cases of absolute necessity.

75. *Stoppages* are only awardable as a punishment for damage to or neglect of horse or wilful injury to or misappropriation of Government property, and are recoverable at the rate of one-third of the monthly pay of the prisoner.

76. *Fines* can only be levied from followers, and must not exceed the amount of the prisoner's pay for three months. They are recoverable at the rate of one-third of his monthly pay.

77. The following offences are punishable more severely when committed on active service, than during peace time:— Punishment of certain offences.

Sentry sleeping on, or, quitting his post.
Leaving his post or party in search of plunder.
Quitting guard or party without leave.
Corresponding with the enemy.
Assisting the enemy.
Misbehaviour in presence of the enemy.

* See paragraph 85.

Creating false alarm.
Assaulting persons bringing provisions.
Striking or forcing a sentry.

Offences committed on active service.

78. The following offences, when committed on active service, are punishable [a] under these Rules [a] with death or with imprisonment up to 14 years :—

Mutiny and sedition.
Violence to a superior.
Disobedience to the lawful command of a superior.
Desertion, or attempt to desert.
Re-enlistment without having been discharged.
Sentry sleeping, or quitting his post.
Sentry plundering.
Abandoning garrision or post.
Betraying watchword or countersign.
Corresponding with the enemy.
Assisting enemy.
Releasing State prisoner or enemy.
Misbehaviour in the presence of the enemy.
Seeking plunder during action.
Quitting guard.
Assaulting persons bringing in provisions.
Causing a false alarm.

79. Whenever any person is convicted [a] under these Rules [a] of the crime of mutiny, or sedition, all his property moveable and immoveable, shall be forfeited to the State, if the property be within the limits of the State, otherwise to the British Government.

Offences punishable with imprisonment up to 14 years, under these Rules.

80. The following offences are punishable under these Rules with imprisonment up to 14 years or such less punishment as the Court-Martial may award :—

Mutiny.
Violence to superiors.
Insubordination.
Betraying watchword.
Abandoning post.
Wilfully creating false alarm.

Upto two years.

81. The following offences are punishable under these Rules, with imprisonment for two years, or such less punishment as the Court-Martial may award :—

Desertion.
Unbecoming behaviour in an officer, Assistant-Surgeon, or Hospital Assistant.
Releasing prisoners.
Assaulting persons bringing provisions.
Striking or forcing a sentry.
Breaking arrest.

[*a-a*] These words in Sections 68, 78 and 79 were inserted by Regulation V of 1900, s. 3.

Striking subordinate.
Extortion.
Defiling place of worship.
Giving false evidence.*
Malingering.
Wilfully causing hurt.
Theft.
Making false returns.
Other fraudulent offences.
Cruelty or indecency.
Taking bribes.
Embezzlement.*
Destruction of Government propetty.*
Writing anonymous letters.
Quitting guard, post, picquet or patrol without being regularly relieved, or without leave.
Refusing to superintend or assist in making any field-work, or other military work of any description when ordered to do so
Attempting to commit suicide.
Appearing armed in camp.

82. In time of peace the following offences are punishable under these Rules with one year's imprisonment, or such less punishment as the Court-Martial may award :— **Up to one year.**

Disobedience.
Sentry sleeping on or quitting post.
Striking or forcing a sentry.
Absence without leave.
Drunkenness on duty.
Injuring or making away with horse, arms, clothing, or equipment.
Harbouring deserter.
Failure to attend parade.
Habitual drunkenness.
Contempt of and offences against Court-Martial.
Failure to rejoin.
Enlisting deserter.
Quitting parade, or line of march.
Quitting guard, or party, without leave.
Making wilfully false answer on enlistment.
Conduct prejudicial to good order and military discipline.

83. Stoppages may be awarded under these Rules in addition to other punishment for the following offences :— **Stoppages.**

Injuring or making away with horse, arms, clothing, or equipment.
Misappropriation of money or stores.
Destroying Government property.

* See also paragraph 90.

Sections 84-90.

Dismissal.

84. Dismissal from the service may be awarded in addition to any other sentence.

Reduction.

85. A non-commissioned officer sentenced by Court-Martial to dismissal, or to corporal punishment, or to imprisonment with or without hard labour, shall be deemed to have been reduced to the ranks even though reduction may not have formed part of his sentence.

XV.—Loss of Arms.

Lose of arms.

86. In all cases of the loss of a rifle, pistol, carbine or of ball ammunition, the person or persons in whose charge it was, shall be tried by Court-Martial. It will rest with the accused to prove that the responsibility for the loss does not rest on him.

87. For all arms lost the following amount will be charged to the person or persons in fault, and the Court-Martial shall sentence the prisoner to stoppages to these amounts in addition to any other punishment awarded :—

For each Martini-Henri rifle or carbine	...	Rs. 250 0 0
For each revolver	...	„ 100 0 0
For ammunition	...	Twice its actual value.

XVI.—Desertion.

Desertion.

88. In trials for desertion the following points must be borne in mind :—

1.—*If leave has been granted to the offender and he deserts, the date of desertion in the charge will be that on which the leave expired.*

2.—*The fact of a native soldier having been struck off after two month's illegal absence does not affect his liability to trial, if afterwards apprehended, or if he surrenders.*

3.—*On any trial for desertion the accused may be found guilty of either desertion or of absence without leave, but in the latter case the period of such absence must be set forth in the finding.*

XVII.—Abetment.

Abetment.

89. Any person who abets an offender punishable under these Rules, [a] may be punished with the punishments provided for such offences.

XVIII.—Miscellaneous.

Dismissal.

90. On conviction of any one of the following offences the accused *shall be* sentenced by the Court-Martial to dismissal from the service *and* to forfeiture of all arrears of pay and allowances, *in addition* to any other punishment awarded:—

Embezzlement.
Destruction of Government property.
Giving false evidence.

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* See also paragraph 91.

[a] The words "or under the Indian Articles of War" in paragraph 89 were repealed by Regulation V of 1900, s. 4.

Sections 91-93.

Forfeiture of pay, etc.

91. On conviction of any offence if the accused is sentenced to dismissal from the service, or to any punishment involving dismissal, he may further be sentenced to forfeit, if the Court-Martial shall so direct, all or any arrears of pay and allowances due to him or such portion thereof as may be required to make good any proved loss or damage arising out of his offence.

Stoppages.

92. A Court-Martial may, in addition to any punishment (except dismissal, or a punishment involving dismissal), sentence any person to be put under stoppages until any loss or damage arising out of his offence, be made good.

93. The Government may by an executive order apply the whole, or part, of the foregoing rules to the Local Service Troops.

APPENDIX A.

FORM OF ORDER CONVENING COURT-MARTIAL.

General orders by
Chief Commandant_____

In accordance with instructions received from Government_____a Court-Martial composed as under will assemble in the Regimental Durbar-Room of the_____for the purpose of trying No._____and such other prisoners as may be brought before it:—

PRESIDENT.

_____

MEMBERS.

_____

_____

_____

_____

The prisoner will be warned and all witnesses duly required attend.

(Sd.)_____

Chief Commandant.

N. B.—The names, rank and corps of the President and members to be entered in full.

Appendix.

APPENDIX B.

Form of Charge Sheet.

The prisoner No._____

is charged with :—

1st charge_____*_____

_____

in that

_____ † _____

_____

2nd charge_____*_____

in that

_____†_____

(Signed)_____

Chief Commandant.

_____

_____

_____

* Here state heading of charge as shown in italics in paragraph 2.

† Here state the particulars thus :—

First charge—insubordination

in that

At Agra on the 20th June 1890, when ordered by his superior officer, Haur Sham Singh, to lay out his kit for inspection, he said : "I have already had my kit inspected once to-day, and I won't lay it out again" or words to that effect.

APPENDIX C.

FORM OF PROCEEDINGS OF A COURT-MARTIAL.

(To be written on one side of the paper only.)

Proceedings of a Court-Martial held at_____
on the_____day of_____189——, convened by order
of_____

_____

PRESIDENT.*

_____

MEMBERS.*

_____

_____

_____

_____

At_____ o'clock A. M./P. M. the Court opens for the trial of
No._____

Imperial Service_____*

_____

Munshi (or Babu)_____

_____

is present to write the proceedings of the Court.

The order convening the Court is read and attached to the proceedings. (Appendix A.)

The prisoner named above is brought before the Court †

The names of the President and members are read over in the hearing of the prisoner, and they each answer to their names as they are read out.

_____

* The rank, name and corps of the President and of each of the members and also of the prisoner, should be entered in full.

† The prisoner and his escort only are brought before the Court and not any of the witnesses. The witnesses should remain outside, out of hearing of what takes place in Court, and be called in one by one as required. See para 56.

Appendix.

Question 1.—By the President to the prisoner :—

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over ?

*Answer 1.—The prisoner replies :—**

The President and members make solemn affirmation.†

The Munshi makes solemn affirmation.‡

The charge sheet is read, carefully explained to the prisoner, and ched to the proceedings. (Appendix B.)

Question 2.—By the President, to the prisoner :—

Are you guilty, or not guilty, of the (first) charge ?

Answer 2.—The prisoner replies :—

Question.—Are you guilty, or not guilty, of the second charge ?

Answer.—The prisoner replies :—

* Should the prisoner object to the President or to any member or members the rules laid down in para 49 should be observed.

† See para 50.

‡ See para 51.

Note.—Every question and answer should be numbered consecutively. The prisoner should be asked to plead guilty, or not guilty, to each one of the charges for which he is being tried.

Appendix.

(*Rank*) _____

appears as prosecutor, and proceeds to call witnesses.*

First witness for the prosecution :

No. _____

_____

having made a solemn affirmation states † :—

The prisoner declines to cross-examine this witness

or

Cross-examined by the prisoner, the witness states ‡ :—

Cross-examined by the Court the witness states § :—

The witness withdraws.

Second witness for the prosecution :

No. _____

_____

having made solemn affirmation states ‖ :—

The witness withdraws.

The prosecution is closed.¶

DEFENCE.

The prisoner, being called to state what he has to urge in his defence, or in mitigation of punishment, states :—

_____

*See para 48. The rank, name and corps of the prosecutor and of each witness should be entered in full.

† The evidence given should be taken down as nearly as possible in the witness's own words. See para 54.

‡ When the witness has completed his statement, it should be read over to him in order that it may be corrected, if necessary. The prisoner will then be allowed to cross-examine the witness, should he wish to do so. (See para. 55.) Should he not wish to do so, it must be recorded that he declined to cross-examine.

§ Any number of questions bearing on the original evidence given by the witness may be put by the prisoner and the Court. All the replies must be recorded in full.

‖ The evidence of each witness will be recorded on a separate sheet of paper in the same manner as prescribed for the first witness. Additional sheets to be added, as may be necessary.

¶ When all witnesses for the prosecution have been examined, the prosecution will be closed and the prisoner will be called upon to state what he wishes to say in his defence. This statement should be recorded word for word.

Appendix.

First witness for the defence:

No._____

having made solemn affirmation states *:—

Cross-examined by the prosecutor, the witness states:—

The witness withdraws.

The Court is closed to consider its finding.†

FINDING.‡

The Court find that the prisoner No._____

is *guilty* (or *not guilty*, as the case may be) of the first charge, is *guilty* (or *not guilty*) of the second charge.

PROCEEDINGS BEFORE SENTENCE.§

The Court is re-opened and the prisoner is again brought before it.

The prosecutor ||_____

is solemnly affirmed, and replies to the following questions put to him by the President:—

Question.—What character does the prisoner bear, and what is his service?

Answer.—I produce a true copy of his sheet-roll, which shows that his character is_____, and that he has_____years _____months' service. *The copy is compared with the original sheet-roll and is then attached to the proceedings.*

* See para 42. If the prisoner has any witnesses to call to speak in his defence or as to his character, their evidence will be recorded in exactly the same manner as in the case of witnesses for the prosecution. The prosecutor will be allowed to cross-examine all the witnesses called by the prisoner.

† All but the Members of the Court and the Munshi will now leave the room, and be sent beyond ear-shot of what is said inside.

‡ See paras 58 and 60. A separate finding of guilty, or not guilty, must be recorded for each one of the charges, should there be more than one.

§ See paragraph 61.

|| The rank, name and corps of the prosecutor to be entered in full.

Appendix.

Question.—Is the prisoner before the Court the person referred to in this sheet-roll?

Answer.—Yes.

Question.—How long has the prisoner been under arrest (or in confinement) on account of the charges for which he is now being tried?

Answer.—_____days.

The prisoner declines cross-examining this witness.*

The witness withdraws. The Court is closed to consider the sentence.

SENTENCE.†

The Court sentence the prisoner No._____

to be _____

Signed at _____ on the _____ day of _____ 189—.

_____ *President.*

_____ } *Members.*

.....Munshi (or Babu), by whom the proceedings were recorded.

* The prisoner may cross-examine this witness, should he wish to do so.

† The prisoner will be marched back to the lines and the witnesses allowed to disperse.

‡ See para 67 *et seq.*

Appendix.

CONFIRMATION.*

(*a*) Confirmed.

(*b*) Confirmed: but I remit_____

(*c*) Not confirmed.

Signed at_____on the_____day of_____ 189—.

REVISION.

At_____on the_____day of _____189_____at_____M. the Court composed of the same members, all being present, re-assembles by order of_____for the purpose of re-considering its_____†

The Munshi is present.

The order directing the re-assembly of the Court, and the letter [*or* memorandum] giving the reasons of Government for requiring a revision of the_____† are read and attached to the proceedings.

The Court, having attentively considered the observations of the Convening Officer, does now_____

Signed this_____day of_____189—

_____*President.*

_____ } *Members.*

* See paras 63-66.

† Here enter "Finding," or "Sentence" or both "Finding and Sentence," as the case may be.

THE GENERAL CLAUSES REGULATION 1899.

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THE SCHEDULE.

ENACTMENTS REPEALED.

REGULATION No. III OF 1899.

(PASSED ON THE 3RD DAY OF JULY 1899).

A Regulation for further shortening the language used in enactments in force in Mysore, and for other purposes.

WHEREAS it is expedient further to shorten the language in enactments in force in Mysore, and to make certain other provisions relating to those enactments; Her Highness the Maharani-Regent is pleased to enact as follows:—

Preliminary.

Short title and commencement.

1. (1) This Regulation may be called the General Clauses Regulation, 1899; and

(2) It shall come into force at once.

Repeal.

2. The Acts mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

General Definitions.

Definitions.

3. In this Regulation, and in all Regulations made after the commencement of this Regulation, unless there is anything repugnant in the subject or context,—

"Abet"

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

"Act."

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"British India."

(5) "British India" shall mean all territories and places within Her Majesty the Queen's dominions which are for the time being governed by Her Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India:

"Chapter." (6) "Chapter" shall mean a Chapter of the Regulation in which the word occurs:

"Chief Court." (7) "Chief Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in Mysore:

"Commencement." (8) "commencement," used with reference to a Regulation, shall mean the day on which the Regulation comes into force:

"Deputy Commissioner." (9) "Deputy Commissioner" shall mean the chief officer in charge of the revenue-administration of a district:

"District Judge." (10) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction:

"Document." (11) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:

'Enactment (12) "enactment" shall include—

(*a*) a Regulation,

(*b*) an Act of the Governor General of India in Council or of a local Legislature in India, introduced as law into Mysore,

(*c*) a body of Rules (other than rules made in exercise of a power conferred by any Regulation or by any such Act as aforesaid) prescribed as law in Mysore, and

(*d*) any provision contained in any Regulation or in any such Act or body of Rules as aforesaid:

'Father." (13) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father:

"Financial year," "revenue year," or "official year." (14) "financial year" or "revenue year" or "official year" shall mean the year commencing on the first day of July:

"Good faith." (15) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Government." (16) "Government" or "the Government" or "the Government of Mysore" shall mean the person authorized to administer executive Government in Mysore:

"Immoveable property." (17) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

"Imprisonment." (18) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code:

Section 3.

(19) "Judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken: "Judicial" proceeding.

(20) "local authority" shall mean a municipal committee, district board, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund: "Local authority."

(21) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: "Magistrate."

(22) "month" shall mean a month reckoned according to the British calendar: "Month."

(23) "moveable property" shall mean property of every description, except immoveable property: "Moveable property."

(24) "Mysore" shall mean the territories of Mysore: "Mysore."

(25) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing. "Oath."

(26) "offence" shall mean any act or omission made punishable by any law for the time being in force: "Offence."

(27) "Part" shall mean a Part of the Regulation in which the word occurs: "Part."

(28) "person" shall include any company or association or body of individuals, whether incorporated or not: "Person."

(29) "place" shall include also a house, building, tent and vessel: "Place."

(30) "public" shall include any class of the public or any community: "Public."

(31) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: "Public nuisance."

(32) "registered," used with reference to a document, shall mean registered under the law for the time being in force in Mysore for the registration of documents: "Registered."

(33) "Regulation" shall mean a Regulation passed by the Maharaja. "Regulation."

(34) "rule" shall mean a rule made in exercise of a power conferred by any enactment: "Rule."

(35) "schedule" shall mean a schedule to the Regulation in which the word occurs: "Schedule."

(36) "section" shall mean a section of the Regulation in which the word occurs: "Section."

"Sign." (37) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions:

"Son." (38) "son," in the case of any one whose personal law permits adoption, shall include an adopted son:

"Sub section. (39) "sub-section" shall mean a sub-section of the section in which the word occurs:

"Swear." (40 "swear," with its grammatical variations and cognate expressions shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing:

"Will." (41) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property:

"Writing." (42) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form: and

"Year." (43) "year" shall mean a year reckoned according to the British calendar.

Application of foregoing definitions to previous enactments. **4.** The definitions in section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," "Chief Court," "District Judge," "father," "immoveable property," "imprisonment," "Magistrate," "month," "moveable property," "oath," "person," "section" "son," "swear," "will" and "year" apply also, unless there is anything repugnant in the subject or context, to all enactments made after the third day of January 1868.

General Rules of Construction.

Coming into operation of enactments. **5.** (1) Where any Regulation is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it receives the assent of the Maharaja.

(2) Unless the contrary is expressed, a Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

Effect of repeal. **6.** Where this Regulation, or any Regulation made after the commencement of this Regulation, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Regulation had not been passed.

Revival of repealed enactments.

7. (1) In any Regulation made after the commencement of this Regulation, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) This section applies also to all enactments made after the third day of January 1868.

Construction of references to repealed enactments.

8. Where this Regulation, or any Regulation made after the commencement of this Regulation, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed, shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

9. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

(2) This section applies also to all enactments made after the third day of January 1868.

Computation of time.

10. Where, by any Regulation made after the commencement of this Regulation, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, as amended by Regulation III of 1896, applies.

Measurement of distances.

11. In the measurement of any distance, for the purposes of any Regulation made after the commencement of this Regulation, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Duty to be taken *pro ratâ* in enactments.

12. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Gender and number.

13. In all enactments, unless there is anything repugnant in the subject or context,—

(1) words importing the masculine gender shall be taken to include females ; and

(2) words in the singular shall include the plural, and *vice versa*

Powers and Functionaries.

Powers conferred on the Government to be exercisable from time to time.

14. Where, by any Regulation made after the commencement of this Regulation, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

Power to appoint to include power to appoint *ex officio*.

15. Where, by any enactment, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Regulation, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

16. Where, by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution of functionaries.

17. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(2) This section applies also to all enactments made after the third day of January 1868.

Successors.

18. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

(2) This section applies also to all enactments made after the third day of January 1868.

Official chiefs and subordinates.

19. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

(2) This section applies also to all enactments made after the third day of January 1868.

Provisions as to Orders, Rules, &c., made under Enactments.

Construction of orders, etc. issued under enactments.

20. Where, by any enactment, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law, if it is made after the commencement of this Regulation, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the enactment conferring the power.

Power to make to include power to add to, amend, vary or rescind, orders, rules or bye-laws.

21. Where, by any enactment, a power to make orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

22. Where, by any enactment which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the enactment, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the enactment, then that power may be exercised at any time after the passing of the enactment ; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the enactment.

Provisions applicable to making of rules or bye-laws after previous publication.

23. Where, by any enactment, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely :—

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby ;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes ;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

24. Where any enactment is, after the commencement of this Regulation, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed enactment, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

Recovery of fines.

25. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any enactment, rule or bye-law, unless the enactment, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

26. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Sections 27-31.

Meaning of service by post.

27. Where any Regulation made after the commencement of this Regulation authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

28. (1) In any enactment, and in any rule, bye-law, instrument or document, made under, or with reference to, any enactment, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In this Regulation and in any Regulation made after the commencement of this Regulation, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for previous enactments, rules and bye-laws.

29. The provisions of this Regulation respecting the construction of enactments, rules or bye-laws made after the commencement of this Regulation, shall not affect the construction of any enactment, rule or bye-law made before the commencement of this Regulation, although the enactment, rule or bye-law is continued or amended by an enactment, rule or bye-law made after the commencement of this Regulation.

Interpretation of British Indian Acts extended to Mysore.

30. Every Act of the Governor General of India in Council or of a local Legislature in India extended to Mysore shall, as far as possible, be subject to the same rules of interpretation as in British India.

Changes involved in the application *mutatis mutandis* of British Indian enactments to Mysore.

31. Where any enactment of the Governor General of India in Council or of a local Legislature in India is expressed to be applied or extended *mutatis mutandis* to Mysore or a part thereof, then, unless a different intention appears, the following changes shall be deemed to be made in the said enactment as so applied or extended, namely:—

(i) The conversion of references to Local Governments, the Government of India or the Governor General of India in Council into references to the Government of Mysore;

Section 31. Schedule.

(ii) the conversion of references to any authority, Court, officer or functionary in British India into references to the authority, Court, officer or functionary in Mysore vested with, or ordinarily exercising, the functions of such authority, Court, officer or functionary ;

(iii) the conversion of references to any enactment, rule, institution, person or thing in British India into references to the enactment, rule, institution, person or thing in Mysore most nearly corresponding to such enactment, rule, institution, person or thing ;

(iv) the conversion of references to territorial limits in British India into references to Mysore or a part thereof, as may be denoted by the context ;

(v) the omission of references to all such matters as are peculiar to British India or have nothing corresponding to them in Mysore ; and,

(vi) generally, all such changes as may be necessary to give the said enactment as nearly as possible the same operation in Mysore as in British India.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Year.	No.	Title or subject.	Extent of repeal.
1868	I	The General Clauses Act, 1868, as extended to Mysore by Notification of the Government of India, Judicial No. 93, dated the 11th July 1878.	The whole.
1872	I	The Indian Evidence Act, 1872 ...	So much as relates to Act I of 1868.

REGULATION No. IV OF 1899.

(PASSED ON THE 27TH DAY OF OCTOBER 1899.)

A Regulation to apply the provisions of the Indian Telegraph Act, 1885, to all Telegraph lines in Mysore.

Preamble.

Whereas it is expedient to apply the provisions of the Indian Telegraph Act, 1885, to all Telegraph lines in the territories of Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

The Indian Telegraph Act to apply *mutatis mutandis* in respect of Telegraph lines in Mysore.

1. From and after the date of the passing of this Regulation, the provisions of the Indian Telegraph Act, 1885, shall, *mutatis mutandis*, apply in respect of every Telegraph line established, maintained or worked within the territories of Mysore.

Vesting of privileges, etc., in the British Government and its officers in respect of lines worked by the British Telegraph Department.

2. Notwithstanding anything contained in Section 1, the privileges, powers and duties of the Government, the Telegraph authority and Telegraph officers shall, as regards Telegraph lines worked by the British Telegraph Department, vest in, and be exercised and performed by, the British Government, and the Telegraph authority and Telegraph officers employed by the British Government.

REGULATION No. V OF 1899.

(PASSED ON THE 23RD DAY OF NOVEMBER 1899.)

A Regulation to amend the Land Improvement Loans Regulation, 1890.

Whereas it is expedient to amend the Land Improvement Loans Regulation, 1890; Her Highness the Maharani-Regent is pleased to enact as follows:—

Short title and commencement.

1. (1) This Regulation may be called the Land Improvement Loans (Amendment) Regulation, 1899; and

(2) It shall come into force at once.

Amendment, with retrospective effect, of section 6, Regulation IV, 1890.

2. In section 6, sub-section (1) of the Land Improvement Loans Regulation, 1890, for the words "from the date of the actual advance of the last instalment," the words "from the date of the advance of the last instalment actually paid" shall be substituted and shall be deemed to have been substituted with effect from the commencement of the said Regulation.

REGULATION No. VI OF 1899.

(PASSED ON THE 16TH DAY OF DECEMBER 1899.)

A Regulation to provide for and regulate the destruction and segregation of stray dogs and of diseased horses and cattle.

Her Highness the Maharani-Regent is pleased to enact as follows :—

Government may make rules regarding the destruction or segregation of stray dogs and diseased horses and cattle:

1. (1) The Government may, from time to time, make rules to provide for and regulate the destruction or segregation of stray dogs, and of horses and cattle suffering from anthrax, glanders, rinderpest or any other such disease in any part of the territories of Mysore :

And impose penalties for breach of any rule.

(2) In making any such rule, the Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

REGULATION No. VII OF 1899.

(PASSED ON THE 22ND DAY OF DECEMBER 1899.)

A Regulation to amend in certain respects the Municipal Regulations of 1871.

Preamble. Whereas it is expedient to amend in certain respects the Municipal Regulations of 1871 as in force in the Cities of Bangalore and Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

Insertion of sections 62A to 62G.

1. After section 62 of the said Municipal Regulations, the following sections shall be inserted, namely:—

Power to levy octroi.

"62A. The Municipal Commissioners may, with the approval of the Government, and for the purposes of these Regulations, levy an octroi on animals or goods or both brought within the octroi limits of the Municipality for consumption or use therein, at such rates as may, from time to time, be approved by the Government.

Power to examine and search for article liable to octroi.

"62B. (1) Every person bringing or receiving within the octroi limits of the Municipality any article liable to octroi shall, when required by an officer authorized by the Municipal Commissioners in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving any conveyance or package within the octroi limits of the Municipality refuses, on the demand of an officer authorized by the Municipal Commissioners in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article liable to octroi, such officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or Municipal Commissioner, who shall cause the inspection to be made in his presence.

Presentation of bill for octroi.

"62C. Every officer demanding octroi by the authority of the Municipal Commissioners shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Section 1.

"62D. (1) In case of non-payment of any octroi on demand, the officer empowered to collect the same may seize any article on which the octroi is payable. Recovery of octroi.

(2) The Municipal Commissioners may cause any article so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, (unless the demand and expenses are in the meantime paid,) after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the President, articles of a perishable nature, which could not be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

"62E. If goods passing within the octroi limits of the Municipality are liable to the payment of octroi, then every person who, with the intention to defraud the Municipal Commissioners, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi limits, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater. Penalty for evasion of payment of octroi.

"62F. (1) The Municipal Commissioners may, with the sanction of the Government, which shall be notified, require any person selling any article liable to octroi to obtain from the Municipal Commissioners a license for that purpose, and to pay therefor such fees as shall, from time to time, with the approval of the Government, be fixed in that behalf. License for sale of article liable to octroi.

(2) After notification of such sanction,—

(i) any person selling or keeping for sale any such article without a license, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession ; and

(ii) any officer of the Municipal Commissioners authorized by the Municipal Commissioners in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises, and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such articles not exceeding rupees two hundred in value purchased by any person for his private use or sold by auction consequent on the owner dying or quitting the station:

(iii) the provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

(3) The Government may by notification at any time revoke the sanction given by it under sub-section (1), and thereupon a license for the sale of such article as aforesaid shall not be necessary, and the other provisions of this section shall in respect of such article cease to have any effect.

Power to make bye laws in regard to the collection of octroi.

"62G. (1) Where the collection of an octroi has been sanctioned, the Municipal Commissioners may, by bye-law,—

(*a*) fix octroi limits for the purpose of collecting the octroi, the routes by which articles liable to octroi shall be brought within those limits, and the octroi posts at which they shall be liable to inspection, examination and weighment under section 62B, sub-section (1), clause (*a*); and

(*b*) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the Municipality.

(2) Bye-laws under clause (*b*) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

(3) All bye-laws under this section shall be subject to the same provisions as bye-laws made under section 225 of these Regulations."

Substitution of new sections for sections 92 and 93.

2. For sections 92 and 93 of the said Municipal Regulations, the following sections shall be substituted, namely:—

Section 2

"92. Whenever the Government may be of opinion that the construction of any work of a permanent nature is necessary for the health, safety or convenience of the inhabitants, that the Commissioners are unable to undertake such work from funds at their disposal, and that it is undesirable to sanction the borrowing of the sum of money required for such work in the manner prescribed in section 91, the Government may carry out such work at its own expense, and may either retain in its own hands the management and maintenance of such work or entrust the same, in whole or in part, to the Commissioners. The Government may at any time resume into its own hands the management and maintenance entrusted in whole or in part to the Commissioners under this section. The Government may from time to time, by notification in the official Gazette, prescribe Rules for the proper management and maintenance of any work constructed under this section. Such Rules shall have the force of law. **Execution by Government of works of a permanent nature.**

"93. (1) When any work of the nature described in section 92 has been carried out by the Government, the Government shall have the power to recover the capital cost of such work and the cost, if any, of its management and maintenance by the Government, with such rate of interest and upon such terms as to time and mode of repayment as the Government may, from time to time, direct. The recovery as above shall be made from the rates, taxes or dues imposed or levied on account of the Municipal Fund under these Regulations or any other law for the time being in force in that behalf or from a specified portion of the same as the Government may, from time to time, direct. The directions of the Government under this section shall be published in the official Gazette, and upon such publication shall have the force of law and be binding upon the Commissioners. **Recovery of cost of such works.**

(2) Whenever default is made in the payment of any sum of money payable to the Government under this section, the Government may appoint a special officer for the collection, during a specified period, of such portion as the Government may direct, of the rates, taxes or dues imposed or levied on account of the Municipal Fund under these Regulations or any other law for the time being in force in that behalf. The special officer appointed as above shall, for the purpose of the collections he is directed to make, have all the powers vested in the Commissioners under these Regulations, and the Commissioners shall not exercise any powers conflicting with the powers as above of the special officer. All collections actually made by the special officer appointed as

above, after deduction of the cost thereof, shall be applied towards the payments to the Government which may be in arrear or as they may fall due from time to time. The Government may, from time to time vary the period for which a special officer is appointed as above, or the portion of rates, taxes and dues he is directed to collect for the purpose of this section.

Retrospective application to the Bangalore and Mysore water-works.

"93 A. The provisions of sections 92 and 93 shall be deemed to apply in respect of the works heretofore carried out at the expense of Government for the supply of water to the Cities of Bangalore and Mysore, as if the said works had been constructed after Regulation VII of 1899 came into force."

Substitution of new sections for sections 196 to 210.

3. For sections 196 to 210 of the said Municipal Regulations, the following sections shall be substituted, namely :—

Assessment of lighting rate.

"196. It shall be lawful for the Municipal Commissioners to assess upon the occupiers of all buildings, tenements and premises within the limits of these Regulations, an annual lighting rate not exceeding one per centum upon the annual value thereof.

Supply of water.

"197. The Municipal Commissioners may cause to be laid down in each street, lane and thoroughfare of the Municipality, or in any division or portion thereof, mains, pipes and stand-pipes for the supply of water for the domestic use of the inhabitants. The said stand-pipes shall be placed at such intervals as may be prescribed by the Government for particular localities.

Notification of supply being complete.

"198. When the Municipal Commissioners shall have carried out a system for the supply of water to the Municipality as aforesaid, or to any division or portion thereof, including such mains, pipes and stand-pipes as aforesaid, and such system shall, in the judgment of the Municipal Commissioners, be complete, the Commissioners shall, with the sanction of the Government, declare, by notification published in the *Mysore Gazette*, that the supply is complete, within the Municipality or any such division or portion thereof.

Water-rate may be assessed.

"199. After it has been so notified as aforesaid that the water-supply in any district has been completed, it shall be lawful for the Municipal Commissioners to assess a rate upon all occupied buildings and premises within such district. The said rate shall be such as may, from time to time, be approved by Government; but shall not exceed the amount required for the annual maintenance of the said water-works and for the repayment with interest of the capital outlay thereon in such number of years as may be fixed by Government.

Section 3.

"200. Every house-holder assessed to, and paying the water-rate, shall be entitled to have, free of further charge or assessment in respect of the same, a supply of water for the domestic use of himself and his house-hold. House-holder entitled to supply of water for domestic use.

"201. (1) Subject to such rules and restrictions as may be prescribed by the Government from time to time in this behalf, communication pipes may be permitted from the mains and pipes of the Municipal Commissioners for bringing a proper and sufficient supply of water for the domestic purposes of any rate-payer. The communication pipes leading the water from the mains and pipes of the Municipal Commissioners, into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material, as the Commissioners, or their proper officer in their behalf, shall fix and approve, and shall be made and constructed at the expense of the person requiring the same. Communication pipes, etc., to be made of required dimensions and at expense of house-holder.

(2) The quantity of water allowed to be drawn from the communication pipes free of charge by any rate-payer under this section shall bear a fixed proportion, to be determined by the Municipal Commissioners with the approval of Government, to the amount of water-rate leviable from him under section 199; and for any water in excess of such quantity drawn by such rate-payer a charge shall be levied at rates to be prescribed by the Municipal Commissioners with like approval. Limitation of supply through house communication pipes.

"202. A supply of water for domestic purposes shall not include a supply of water for draught animals, or for washing carriages where such draught animals or carriages are kept for sale or hire, or a supply for watering roads or gardens, or for any trade, manufacture, or business, or for fountains, or for any ornamental or mechanical purpose. What are domestic purposes.

"203. It shall be lawful for the Municipal Commissioners, with the previous sanction of Government, to supply water, at such rate and on such terms as may appear reasonable, for other than domestic purposes, and for trade, roads, or gardens, manufacturing, business, ornamental or mechanical purposes; provided that the person requiring such supply make application to the Municipal Commissioners in writing, specifying the purpose for which such supply is required, and the quantity likely to be consumed. And the Municipal Commissioners may thereupon lay down, or allow to be laid down, the necessary communication pipes and works, of such dimensions and character as may be agreed upon between the Commissioners and person requiring such supply. Provided, however, that such supply shall be liable to be stopped Supply for business.

without giving rise to any claim for compensation, whenever the Commissioners may be of opinion that it would interfere with the proper supply of water for domestic purposes.

Communication pipes, etc., must be made to satisfaction of surveyor.

"204. The communication pipes and works leading water from the mains and pipes of the Municipal Commissioners into any building or premises, must in all cases be executed subject to the inspection and to the satisfaction of the surveyor or other officer to be appointed in that behalf by the Commissioners. Such communication pipes and works may be made by the servants and workmen of the Municipal Commissioners, upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners; and it shall be lawful for the Commissioners to require the amount necessary for the execution of such works to be paid or deposited before such works are executed, and such charges and expenses shall be recoverable in the same way as the water-rate.

Sufficient supply of pure water to be kept.

"205. The Municipal Commissioners shall at all times keep and maintain in their pipes and mains a sufficient supply of pure water for the use of the rate-payers, and for the other purposes for which supply is required; and shall at all times, between the hours of five in the forenoon and eight in the afternoon, maintain a pressure of water in the pipes and mains sufficient to raise the water in all buildings and places in which the same may be introduced.

Water may be cut off on waste or misuse.

"206. If any person supplied with water shall waste or misuse the water supplied to him, the Municipal Commissioners may stop the water from flowing into the premises in which such waste or misuse has occurred, by cutting off the pipe to such premises, or by such means as the Commissioners may think fit, and may recover the expenses of cutting off the water from such person.

Damaging works or obstructing or diverting water.

"207. Whoever shall wilfully or carelessly break, injure, or open any lock, cock, main or pipe, belonging to, or under the management or control of, the Municipal Commissioners, or constructed, or continued or maintained under these Regulations, or shall unlawfully flush, draw of, divert, or take water from any water-works belonging to the Municipal Commissioners or under their management or control, or from any water or streams by which such water-works are supplied, shall, for every such offence, forfeit a sum not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for each day during which the offence is continued after written notice in that behalf.

Section 3.

"208. All rates and moneys collected, received or recovered for or in respect of the supply of water, or the execution of works, and all penalties or forfeitures connected therewith, or in any respect relating to the water-supply, shall be applied by the Municipal Commissioners in defraying the expense of making and maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith or for some other purpose connected with the supply of water; and if any surplus should remain thereafter, then the same shall be applied in reduction of the rates assessed for the supply of water.

Application of rates and moneys received from the supply of water.

"208A. The provisions of sections 197 to 208 shall apply *mutatis mutandis* to the water-works constructed, maintained or managed by the Government and to the Water Supply Department under the Government.

Application of provisions to water-works constructed by Government.

"209. Wherever any building or tenement is divided into flats, rooms, or portions in the occupation of different tenants, and also in the case of all buildings or tenements the annual value whereof is less than one hundred rupees, it shall be lawful for the Municipal Commissioners to assess the owner or landlord of such building or tenement, although he does not himself occupy the same, and recover from him the rates imposed thereon for lighting and water, respectively.

Assessment may be on owner in certain cases.

"210. The rates for lighting and water-supply shall be ascertained, fixed and collected in the manner, and shall be payable at the times, provided by sections 63 to 90 of these Regulations, both inclusive."

Rates for lighting and water-supply.

REGULATION No. I OF 1900.

(PASSED ON THE 4TH DAY OF JANUARY 1900.)

A Regulation to amend the Mysore Mines Regulation, 1897.

Whereas it is expedient to amend the Mysore Mines Regulation, 1897 : Her Highness the Maharani-Regent is pleased to enact as follows :—

Substitution of new section for section 5.

1. For section 5 of the said Regulation the following shall be substituted, namely :—

"Licenses required for goldsmiths, silversmiths, etc."

"It shall not be lawful for any person, within any area included in a direction under section 3, to carry on the profession of a goldsmith or silversmith or engage himself in the melting of gold or silver or in the manufacture of articles of gold or silver without a license in writing obtained for that purpose as hereinafter provided."

THE MYSORE STAMP REGULATION 1900.

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REGULATION No. II OF 1900.

(PASSED ON THE 21ST DAY OF APRIL 1900)

A Regulation to Consolidate and Amend the Law Relating to Stamps.

Whereas it is expedient to consolidate and amend the law relating to Stamps; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Stamp Regulation, 1900.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1900.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

"Banker."

(1) "banker" includes a bank and any person acting as a banker:

(2) "bill of exchange" means an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money:

"Bill of exchange payable on demand."

(3) "bill of exchange payable on demand" includes—

(*a*) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;

(*b*) an order for the payment of any sum of money weekly, monthly, or at any other stated periods; and

(*c*) a letter of credit, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn.

"Bill of lading." (4) "bill of lading" includes a "through bill of lading," but does not include a mate's receipt:

"Bond." (5) "bond" includes—

(*a*) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed or is not performed, as the case may be;

(*b*) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and

(*c*) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another:

"Chargeable." (6) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Regulation, chargeable under this Regulation, and, as applied to any other instrument chargeable under the law in force in Mysore when such instrument was executed or, where several persons executed the instrument at different times, first executed:

"Cheque." (7) "cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand;

"Chief Controlling Revenue-authority." (8) "Chief Controlling Revenue-authority" means the Government or such officer as the Government may, by notification in the official Gazette, appoint in this behalf:

"Conveyance." (9) "conveyance" includes a conveyance on sale and every instrument by which property, whether moveable or immoveable, is transferred *inter vivos* and which is not otherwise specifically provided for by Schedule I.

"Deputy Commissioner." (10) "Deputy Commissioner"

(*a*) means the Deputy Commissioner of a district, and

(*b*) includes any officer whom the Government may, by notification in the official Gazette, appoint in this behalf:

"Duly stamped." (11) "duly stamped," as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in Mysore:

"Executed" and "execution."

(12) "executed" and "execution," used with reference to instruments, mean "signed" and "signature":

"Impressed stamp."

(13) "impressed stamp" includes—

(*a*) labels affixed and impressed by the proper officer, and

(*b*) stamps embossed or engraved on stamped paper;

"Instrument."

(14) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded:

"Instrument of partition."

(15) "instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any Revenue-authority or any Civil Court and an award by an arbitrator directing a partition:

"Lease."

(16) "lease" means a lease of immoveable property, and includes also—

(*a*) a patta;

(*b*) a kabuliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy, or pay or deliver rent for, immoveable property;

(*c*) any instrument by which tolls of any description are let;

(*d*) any writing on an application for a lease intended to signify that the application is granted:

"Mortgage deed."

(17) "mortgage-deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers, or creates, to or in favour of, another, a right over or in respect of specified property:

"Paper."

(18) "paper" includes vellum, parchment or any other material on which an instrument may be written.

"Policy of insurance."

(19) "policy of insurance" includes—

(*a*) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event:

(*b*) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance; and

(*c*) any writing evidencing the renewal of, for the purpose of keeping in force, a policy of fire insurance in respect

of which, and of the previous renewal whereof (if any), there has not already been paid the stamp-duty which would have been chargeable if the policy had originally been granted for a longer term than six months:

"Policy of sea-insurance" or "sea-policy."

(20) "policy of sea-insurance" or "sea policy"—

(*a*) means any insurance made upon any ship or vessel (whether for marine or inland navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in, or relating to, any ship or vessel, and

(*b*) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of clause (*a*), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:

Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance:

"Power-of attorney."

(21) "power-of-attorney" includes any instrument (not chargeable with a fee under the law relating to Court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it:

"Promissory note."

(22) "promissory note" means an instrument in writing (not being a bank note or a currency note) containing an unconditional undertaking, signed by the maker, to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument;

it also includes a note promissing the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen:

"Receipt."

(23) "receipt" includes any note, memorandum or writing—

(*a*) whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or

(*b*) whereby any other moveable property is acknowledged to have been received in satisfaction of a debt, or

(*c*) whereby any debt, or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged or,

(*d*) which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person : and

"Settlement" (24) "settlement" means any non-testamentary disposition, in writing, of moveable or immoveable property made—

(*a*) in consideration of marriage,

(*b*) for the purpose of distributing property of the settlor among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

(*c*) for any religious or charitable purpose:

and includes an agreement in writing to make such a disposition.

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

Instruments chargeable with duty. **3.** Subject to the provisions of this Regulation and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in that schedule as the proper duty therefor respectively, that is to say—

(*a*) every instrument mentioned in that schedule which, not having been previously executed by any person, is executed in Mysore on or after the first day of July 1900;

(*b*) every bill of exchange, cheque or promissory note drawn or made out of Mysore on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in Mysore; and

(*c*) every instrument (other than a bill of exchange, cheque or promissory note) mentioned in that schedule, which, not having been previously executed by any person, is executed out of Mysore on or after that day, relates to any property situate, or to any matter or thing done or to be done, in Mysore and is received in Mysore:

Provided that no duty shall be chargeable in respect of any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument.

Several instruments used in single transaction of sale, mortgage or settlement.

4. (1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I, for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee instead of the duty (if any) prescribed for it in that schedule.

(2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument:

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

Instruments relating to several distinct matters.

5. Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Regulation.

Instruments coming within several descriptions in Schedule I.

6. Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedule I, shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:

Provided that nothing in this Regulation contained shall render chargeable with duty exceeding one rupee a counter-part or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

Policies of sea-insurance.

7. (1) No contract for sea-insurance (other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894), shall be valid unless the same is expressed in a sea-policy.

(2) No sea-policy made for time shall be made for any time exceeding twelve months.

(3) No sea-policy shall be valid unless it specifies the particular risk or adventure, or the time, for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with a duty as a policy for or upon a voyage, and also with duty as a policy for time.

Bonds, debentures or other securities issued on loans.

8. (1) Notwithstanding anything in this Regulation, any local authority raising a loan under the provisions of any law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of eight annas per centum on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped and shall not be chargeable with any further duty on renewal, consolidation, subdivision or otherwise.

(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not.

(3) In the case of wilful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

Power to reduce, remit or compound duties.

9. The Government may, by rule or order published in the official Gazette,—

(*a*) reduce or remit, whether prospectively, or retrospectively, in the whole or any part of Mysore, the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable; and

(*b*) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities.

B.—Of Stamps and the mode of using them.

Duties how to be paid.

10. (1) Except as otherwise expressly provided in this Regulation, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps—

(*a*) according to the provisions herein contained ; or,

(*b*) when no such provision is applicable thereto—as the Government may by rule direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

(*a*) in the case of each kind of instrument—the description of stamps which may be used ;

(*b*) in the case of instruments stamped with impressed stamps—the number of stamps which may be used ;

(*c*) in the case of bills of exchange or promissory notes written in any Oriental language—the size of the paper on which they are written.

Use of adhesive stamps.

11. The following instruments may be stamped with adhesive stamps, namely :—

(*a*) instruments chargeable with the duty of one anna except parts of bills of exchange payable otherwise than on demand and drawn in sets ;

(*b*) bills of exchange, cheques and promissory notes drawn or made out of Mysore ;

(*c*) entry as an advocate on the roll of the Chief Court ;

(*d*) notarial acts ; and

(*e*) transfers by endorsement of shares in any incorporated company or other body corporate.

Cancellation of adhesive stamps.

12. (1) (*a*) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again ; and

(*b*) Whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing or in any other effectual manner.

Instruments stamped with impressed stamps how to be written.

13. Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

Only one instrument to be on same stamp.

14. No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

Instruments written contrary to section 13 or 14 deemed unstamped.

15. Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

Denoting duty.

16. Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall, if application is made in writing to the Deputy Commissioner for that purpose, and on production of both the instruments, be denoted upon such first mentioned instrument by endorsement under the hand of the Deputy Commisioner or in such other manner if any as the Government may by rule prescribe.

C.—Of the time of stamping Instruments.

Instruments executed in Mysore.

17. All instruments chargeable with duty and executed by any person in Mysore shall be stamped before or at the time of execution.

Instruments other than bills, cheques and notes executed out Mysore.

18. (1) Every instrument chargeable with duty executed only out of Mysore and not being a bill of exchange, cheque or promissory note, may be stamped within three months after it has been first received in Mysore.

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Deputy Commissioner, who shall stamp the same, in such manner as the Government may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

Bills, cheques and notes drawn out of Mysore.

19. The first holder in Mysore of any bill of exchange, cheque or promissory note drawn or made out of Mysore shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in Mysore, affix thereto the proper stamp and cancel the same:

Provided that,—

(*a*) if, at the time any such bill of exchange, cheque or note comes into the hands of any holder thereof in Mysore, the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Regulation, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled.

(*b*) Nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

D.—Of Valuations for Duty.

Conversion of amount expressed in foreign currencies.

20. (1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of Mysore, such duty shall be calculated on the value of such money in the currency of Mysore according to the current rate of exchange on the day of the date of the instrument.

(2) The Government may from time to time, by notification in the official Gazette, prescribe a rate of exchange for the conversion of any foreign currency into the currency of Mysore for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).

Stock and marketable securities how to be valued.

21. Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

Effect of statement of rate of exchange or average price.

22. Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject-matter of such statement be presumed, until the contrary is proved, to be duly stamped.

Instruments reserving interest.

23. Where interest is expressly made payable by the terms of an instrument such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

How transfer in consideration of debt, or subject to future payment etc., to be charged.

24. Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty:

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 17 of Schedule I.

Explanation.—In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale:

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

Illustrations.

(1) A owes B Rs. 1,000. A sells a property to B the consideration being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and unpaid interest Rs. 200. Stamp-duty is payable on Rs. 1,700.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

Valuation in case of annuity etc.

25. Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Regulation, be deemed to be,—

(*a*) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained—such total amount;

(*b*) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such

instrument or conveyance—the total amount which, according to the terms of such instrument or conveyance will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

(*c*) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

Stamp where value of subject-matter is indeterminate.

26. Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Regulation) could not have been, ascertained at the date of its execution, or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient:

Provided that in the case of the lease of a mine in which a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such share, for the purpose of stamp-duty, at twenty thousand rupees a year, and the whole amount of such share, whatever it may be, shall be claimable under such lease:

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 41, the amount certified by the Deputy Commissioner shall be deemed to be the stamp actually used at the date of execution.

Facts affecting duty to be set forth in instrument.

27. The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

Direction as to duty in case of certain conveyances.

28. (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct consideration.

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed

in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with *ad valorem* duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad valorem* duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

Provided that the duty on such last mentioned conveyance shall in no case be less than one rupee.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration paid by him and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

E.—Duty by whom payable.

Duties by whom payable.

29. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,—

(*a*) in the case of any instrument described in any of the following Articles of Schedule I, namely:—

No. 2. (Administration Bond),
No. 6. (Agreement to mortgage),
No. 12. (Bill of exchange),

No. 14. (Bond),
No. 15. (Bottomry Bond),
No. 25. (Customs Bond),
No. 26. (Debenture),
No. 30. (Further Charge),
No. 32 (Indemnity Bond),
No. 38. (Mortgage Deed),
No. 47. (Promissory Note),
No. 53. (Release),
No. 54. (Respondentia Bond),
No. 55. (Security Bond or Mortgage deed),
No. 56. (Settlement),
No. 60 (*a*). (Transfer of shares in an incorporated company or other body corporate),
No. 60 (*b*). (Transfer of Debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8),
No. 60 (*c*). (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),—

by the person drawing, making or executing such instrument:

(*b*) in the case of a policy of insurance—by the person effecting the insurance:

(*c*) in the case of a conveyance (including a re-conveyance of mortgaged property) by the grantee: in the case of a lease or agreement to lease—by the lessee or intended lessee:

(*d*) in the case of a counterpart of a lease—by the lessor:

(*e*) in the case of an instrument of exchange—by the parties in equal shares:

(*f*) in the case of a certificate of sale—by the purchaser of the property to which such certificate relates: and

(*g*) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

Obligation to give receipt in certain cases

30. Any person receiving any money exceeding twenty rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding twenty rupees, or receiving in

satisfaction or part satisfaction of a debt any moveable property exceeding twenty rupees in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

CHAPTER III.

ADJUDICATION AS TO STAMPS.

Adjudication as to proper stamp.

31. (1) When any instrument, whether executed or not and whether previously stamped or not, is brought to the Deputy Commissioner, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than eight annas) as the Deputy Commissioner may in each case direct, the Deputy Commissioner shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

(2) For this purpose the Deputy Commissioner may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application, until such abstract and evidence have been furnished accordingly:

Provided that—

(*a*) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an enquiry as to the duty with which the instrument to which it relates is chargeable; and

(*b*) every person by whom any such evidence is furnished, shall, on payment of the full duty with which the instrument to which it relates, is chargeable, be relieved from any penalty which he may have incurred under this Regulation by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

Certificate by Deputy Commissioner.

32. (1) When an instrument brought to the Deputy Commissioner under section 31 is, in his opinion, one of a description chargeable with duty, and

(*a*) the Deputy Commissioner determines that it is already fully stamped, or

(*b*) the duty determined by the Deputy Commissioner under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid,

the Deputy Commissioner shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(2) When such instrument is, in his opinion, not chargeable with duty, the Deputy Commissioner shall certify in manner aforesaid that such instrument is not so chargeable.

(3) Any instrument upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped;

Provided that nothing in this section shall authorize the Deputy Commissioner to endorse—

(*a*) any instrument executed or first executed in Mysore and brought to him after the expiration of one month from the date of its execution, or first execution, as the case may be;

(*b*) any instrument executed or first executed out of Mysore and brought to him after the expiration of three months after it has been first received in Mysore; or

(*c*) any instrument chargeable with the duty of one anna, or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

CHAPTER IV.

Instruments not duly stamped.

33. (1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same. Examination and impounding of instruments.

(2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him,

in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in Mysore when such instrument was executed or first executed:

Provided that —

(*a*) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure;

(*b*) in the case of a Judge of the Chief Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purposes of this section, in cases of doubt, the Government may determine

(*a*) what offices shall be deemed to be public offices; and

(*b*) who shall be deemed to be persons in charge of public offices.

Special provision as to unstamped receipts.

34. Where any receipt chargeable with a duty of one anna is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

Instruments not duly stamped inadmissible in evidence, etc.

35. No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped:

Provided that—

(*a*) any such instrument not being an instrument chargeable with a duty of one anna only, or a bill of exchange or promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

(*b*) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;

(*c*) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;

(*d*) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure;

(*e*) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the Government, or where it bears the certificate of the Deputy Commissioner as provided by section 32 or any othe provision of this Regulation.

Admission of instrument where not to be questioned.

36. Where an instrument has been admitted in evidence such admission shall not, except as provided in Section 61, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

Admission of improperly stamped instruments.

37. The Government may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

Instruments impounded how dealt with.

38. (1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Deputy Commissioner an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Deputy Commissioner, or to such person as he may appoint in this behalf.

(2) In every other case, the person so impounding an instrument shall send it in original to the Deputy Commissioner.

Deputy Commissioner's power to refund penalty paid under section 38 sub-section (1)

39. (1) When a copy of an instrument is sent to the Deputy Commissioner under section 38, sub-section (1), he may, if he thinks fit, upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue-authority, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14 the Deputy Commissioner may refund the whole penalty so paid.

Deputy Commissioner's power to stamp instruments impounded.

40. (1) When the Deputy Commissioner impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable with a duty of one anna only or a bill of exchange or promissory note, he shall adopt the following procedure:—

(*a*) if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be;

(*b*) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or, if he thinks fit, ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees:

Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Deputy Commissioner may, if he thinks fit, remit the whole penalty prescribed by this section.

(2) Every certificate under clause (*a*) of sub-section (1) shall, for the purposes of this Regulation, be conclusive evidence of the matters stated therein.

(3) Where an instrument has been sent to the Deputy Commissioner under section 38, sub-section (2), the Deputy Commissioner shall, when he has dealt with it as provided by this section, return it to the impounding officer.

Instruments unduly stamped by accident.

41. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of one anna only or a bill of exchange or promissory note, is produced by any person of his own motion before the Deputy Commissioner

within one year from the date of its execution or first execution and such person brings to the notice of the Deputy Commissioner the fact that such instrument is not duly stamped and offers to pay to the Deputy Commissioner the amount of the proper duty, or the amount required to make up the same, and the Deputy Commissioner is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

Endorsement of instruments on which duty has been paid under section 35, 40 or 41.

42. (1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40 or section 41, the person admitting such instrument in evidence or the Deputy Commissioner, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof and the name and residence of the person paying them.

(2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in his behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct:

Provided that—

(*a*) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or if the Deputy Commissioner has certified that its further detention is necessary and has not cancelled such certificate:

(*b*) nothing in this section shall affect the Code of Civil Procedure, section 144, clause 3.

Prosecution for offence against stamp law.

43. The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the Stamp-law in respect of such instrument:

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Deputy Commissioner that the offence was committed with an intention of evading payment of the proper duty.

Persons paying duty or penalty may recover same in certain cases.

44. (1) When any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

(2) For the purpose of such recovery any certificate granted in respect of such instrument under this Regulation shall be conclusive evidence of the matters therein certified.

(3) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

Power to Revenue-authority to refund penalty or excess duty in certain cases.

45. (1) Where any penalty is paid under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the Chief Controlling Revenue-authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

Non-liability for loss of instruments sent under section 38.

46. (1) If any instrument sent to the Deputy Commissioner under section 38, sub-section (2), is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

(2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

Power of payer to stamp bills, promissory notes and cheques received by him unstamped.

47. When any bill of exchange, promissory note or cheque chargeable with the duty of one anna is presented for payment unstamped, the person to whom it is so presented, may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill, note or cheque, and may charge the duty against the person who ought to have paid the same, or deduct it from the

sum payable as aforesaid, and such bill, note or cheque shall, so far as respects the duty, be deemed good and valid:

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill, note or cheque.

Recovery of duties and penalties.

48. All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Deputy Commissioner by distress and sale of the moveable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land revenue.

CHAPTER V.

Allowances for Stamps in certain cases.

Allowance for spoiled stamps.

49. Subject to such rules as may be made by the Government as to the evidence to be required, or the enquiry to be made, the Deputy Commissioner may, on application made within the period prescribed in section 50, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely:—

(*a*) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person:

(*b*) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto:

(*c*) in the case of bills of exchange, cheques or promissory notes—

(1) the stamp on any bill of exchange or cheque signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance: provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange or cheque to be afterwards written thereon:

(2) the stamp on any promissory note signed by or in behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:

(3) the stamp used or intended to be used for any bill of exchange, cheque or promissory note signed by, or on

behalf of, the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange or cheque, may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee: provided that another completed and duly stamped bill of exchange, cheque or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill, cheque or note:

(d) the stamp used for an instrument executed by any party thereto which—

(1) has been afterwards found to be absolutely void in law from the beginning:

(2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:

(3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed:

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:

(5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose:

(6) becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value:

(7) is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value:

(8) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped:

Provided that, in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.

Explanation.—The certificate of the Deputy Commissioner under section 32, that the full duty with which an instrument is chargeable has been paid, is an impressed stamp within the meaning of this section.

Application for relief under section 49 when to be made.

50. The application for relief under section 49 shall be made within the following periods, that is to say,—

(1) in the cases mentioned in clause (*d*) (5), within two months of the date of the instrument:

(2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled:

(3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed:

Provided that,—

(*a*) when the spoiled instrument has been for sufficient reasons sent out of Mysore, the application may be made within six months after it has been received back in Mysore:

(*b*) when, from unavoidable circumstances, any instrument for which another instrument has been substituted, cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

Allowance in case of printed forms no longer required by Corporations.

51. The Chief Controlling Revenue-authority may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said company or body corporate: provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

Allowance for misused stamps.

52. (*a*) When any person has inadvertently used for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Regulation, or a stamp of greater value than was necessary,

or has inadvertently used any stamp for an instrument not chargeable with any duty; or

(*b*) When any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13;

the Deputy Commissioner may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

Allowance for spoiled or misused stamps how to be made.

53. In any case in which allowance is made for spoiled or misused stamps, the Deputy Commissioner may given in lieu thereof—

(*a*) other stamps of the same description and value; or,

(*b*) if required and he thinks fit, stamps of any other description to the same amount in value; or,

(*c*) at his discretion, the same value in money, deducting one anna for each rupee or fraction of a rupee.

Allowance for stamps not required for use.

54. When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Deputy Commissioner shall repay to such person the value of such stamp or stamps in money, deducting one anna for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Deputy Commissioner's satisfaction—

(*a*) that such stamp or stamps were purchased by such person with a *bona fide* intention to use them; and

(*b*) that he has paid the full price thereof; and

(*c*) that they were so purchased within the period of six months next preceding the date on which they were so delivered.

Provided that, where the person is a licensed vendor of stamps, the Deputy Commissioner may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

Allowance on renewal of certain debentures.

55. When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Deputy Commissioner shall, upon application made within one month, repay to the person issuing such debenture, the value of the stamp on the original or on the new debenture, whichever shall be less:

Provided that the original debenture is produced before the Deputy Commissioner and cancelled by him in such manner as the Government may direct.

Explanation.—A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes:—

(*a*) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;

(*b*) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;

(*c*) the substitution of the name of the holder at the time of renewal for the name of the original holder; and

(*d*) the alteration of the rate of interest or the dates of payment thereof.

CHAPTER VI.

Reference and Revision.

Control of, and statement of case to, Chief Controlling Revenue-authority.

56. (1) The powers exercisable by a Deputy Commissioner under Chapter IV and Chapter V shall in all cases be subject to the control of the Chief Controlling Revenue- authority.

(2) If any Deputy Commissioner, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue- authority.

(3) Such authority shall consider the case and send a copy of its decision to the Deputy Commissioner, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

Statement of case by Chief Controlling Revenue-authority to Chief Court.

57. (1) The Chief Controlling Revenue-authority may state any case referred to it under section 56, sub-section (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon, to the Chief Court.

(2) Every such case shall be decided by not less than three Judges of the Chief Court, and in case of difference, the opinion of the majority shall prevail.

Power of Chief Court to call for further particulars as to case stated.

58. If the Chief Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue-authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf.

Procedure in disposing of case stated.

59. (1) The Chief Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

(2) The Court shall send to the Revenue-authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue-authority shall, on receiving such copy, dispose of the case conformably to such judgment.

Statement of case by other Courts to Chief Court.

60. (1) If any Court, other than the Chief Court, feel doubt as to the amount of duty to be paid in respect of any instrument under proviso (*a*) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the Chief Court.

(2) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(3) References made under sub-section (1), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

Revision of certain decisions of Courts regarding the sufficiency of stamps.

61. (1) When any Court in the exercise of its Civil or Revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or references are made by, such first mentioned Court may, of its own motion or on the application of the Deputy Commissioner, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or

without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send a copy thereof to the Deputy Commissioner and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

(4) The Deputy Commissioner may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43, prosecute any person for any offence against the Stamp-law which the Deputy Commissioner considers him to have committed in respect of such instrument:

Provided that—

(*a*) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Deputy Commissioner, unless he thinks that the offence was committed with an intention of evading payment of the proper duty;

(*b*) except for the purposes of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

CHAPTER VII.

Criminal Offences and Procedure.

62. (1) Any person—

Penalty for executing, etc., instrument not duly stamped.

(*a*) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange, cheque or promissory note, without the same being duly stamped; or

(*b*) executing or signing otherwise than as a witness any other instrument chargeable with duty, without the same being duly stamped; or

(*c*) voting or attempting to vote under any proxy not duly stamped;

shall for every such offence be punishable with fine which may extend to five hundred rupees;

Provided that, when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(2) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to cancel adhesive stamp.

63. Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

Penalty for omission to comply with provisions of section 27.

64. Any person who, with intent to defraud the Government,—

(*a*) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth; or,

(*b*) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances; or

(*c*) does any other act calculated to deprive the Government of any duty or penalty under this Regulation;

shall be punishable with fine which may extend to five thousand rupees.

Penalty for refusal to give receipt, and for devices to evade duty on receipts.

65. Any person who,—

(*a*) being required under section 30 to give a receipt, refuses or neglects to give the same; or,

(*b*) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered;

shall be punishable with fine which may extend to one hundred rupees.

Penalty for not making out policy or making one not duly stamped.

66. Any person who –

(*a*) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance; or

(*b*) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy;

shall be punishable with fine which may extend to two hundred rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

67. Any person drawing or executing a bill of exchange or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

Penalty for post-dating bills, and for other devices to defraud the revenue.

68. Any person who—

(*a*) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or

(*b*) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same; or

(*c*) with the like intent, practises or is concerned in any act, contrivance or device not specially provided for by this Regulation or any other law for the time being in force;

shall be punishable with fine which may extend to one thousand rupees.

Penalty for breach of rule relating to sale of stamps and for unauthorized sale.

69. (*a*) Any person appointed to sell stamps who disobeys any rule made under section 74, and

(*b*) any person not so appointed who sells or offers for sale any stamp (other than a one-anna adhesive stamp)

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Institution and conduct of prosecutions.

70. (1) No prosecution in respect of any offence punishable under this Regulation or any enactment hereby repealed, shall be instituted without the sanction of the Deputy Commissioner or such other officer as the Government generally, or the Deputy Commissioner specially, authorizes in that behalf.

(2) The Chief Controlling Revenue-authority, or any officer generally or specially authorized by it in this behalf, may stay any such prosecution or compound any such offence.

(3) The amount of any such composition shall be recoverable in the manner provided by section 48.

Jurisdiction of Magistrates.

71. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Regulation.

Place of trial.

72. Every such offence committed in respect of any instrument may be tried in any district in which such instrument is found, as well as in any district in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Books, etc., to be open to inspection.

73. Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Deputy Commissioner to inspect for such purpose the registers, books, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

Powers to make rules relating to sale of stamps.

74. The Government may make rules for regulating—

(*a*) the supply and sale of stamps and stamped papers,

(*b*) the persons by whom alone such sale is to be conducted, and

(*c*) the duties and remuneration of such persons:

Provided that such rules shall not restrict the sale of one-anna adhesive stamps.

Power to make rules generally to carry out Regulation.

75. The Government may also make rules to carry out generally the purposes of this Regulation, and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

Sections 76-79.

Publication of rules.

76. (1) All rules made under this Regulation shall be published in the official Gazette.

(2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Regulation.

Saving as to Court-fees.

77. Nothing in this Regulation contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to Court-fees.

Regulation to be translated, and sold cheaply.

78. The Government shall make provision for the sale of a translation of this Regulation in Kanarese at a price not exceeding four annas per copy.

Repeal.

79. The enactments mentioned in Schedule II are repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

STAMP-DUTY ON INSTRUMENTS.

(*See section* 3)

Description of Instrument.	Proper Stamp-duty.
1. ACKNOWLEDGMENT of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession: provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	One anna.
2. ADMINISTRATION BOND, including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, or Act XXVII of 1860. *	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bond (No. 14) for such amount.
(*b*) in any other case	Five rupees.
3 ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Ten rupees.
4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	One rupee.
Exemptions.	
Affidavit or declaration in writing when made—	
(*a*) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or	
(*b*) for the sole purpose of enabling any person to receive any pension or charitable allowance.	

* This should be construed as referring to Regulation VII of 1901, section 2 (1) of which repeals Act XXVII of 1860.

Schedule I.—*contd.*

Description of Instrument.	Proper Stamp-duty.
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT.	
(*a*) if relating to the sale of a Government security, or share in an incorporated company or other body corporate, or a bill of exchange.	One anna.
(*b*) if not otherwise provided for ...	Eight annas.
Exemption.	
Agreement or Memorandum of Agreement— for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 41;	
AGREEMENT TO LEASE. *See* Lease (No. 33).	
6. AGREEMENT by way of equitable mortgage, that is to say, any instrument evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property—	
(*a*) when such loan is repayable more than three months, but not more than one year, from the date of such instrument;	The same duty as a Bill of Exchange [No. 12 (*b*)] for the amount secured.
(*b*) when such loan is repayable not more than three months from the date of such instrument.	Half the duty payable on a Bill of Exchange [No. 12 (*b*)] for the amount secured.
Exemption.	
See Exemptions under MORTGAGE-DEED (No. 38).	
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, moveable or immoveable, where made by any writing not being a Will.	Fifteen rupees.
8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bond (No. 14) for such amount.
(*b*) in any other case	Five rupees.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
8. APPRAISEMENT OR VALUATION—*contd.* *Exemptions.* (*a*) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law. (*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a land-lord as rent.	
9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment. *Exemption.* Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of any public charity.	Five rupees.
10. ARTICLES OF ASSOCIATION OF A COMPANY. *Exemption.* Articles of any Association not formed for profit and registered under section 26 of the Mysore Companys Regulation, 1895. *See also* MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 37).	Twenty-five rupees.
ASSIGNMENT. *See* CONVEYANCE (No. 22), TRANSFER (No. 60), and TRANSFER OF LEASE (No. 61), as the case may be.	
ATTORNEY. *See* POWER-OF-ATTORNEY (No. 46).	
AUTHORITY TO ADOPT *See* ADOPTION-DEED (No. 3).	

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
11. **AWARD**, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—	
(*a*) where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs. 1,000.	The same duty as a Bond (No. 14) for such amount.
(*b*) in any other case	Five rupees.
12. **BILL OF EXCHANGE** [as defined by s. 2 (2) & (3)] not being a bond, bank-note or currency note—	
(*a*) where payable on demand ...	One anna.

(*b*) where payable otherwise than on demand, but not more than one year after date or sight,—

				Rs.	If drawn singly. Rs. a. p.	If drawn in set of two for each part of the set. Rs. a. p.	If drawn in set of three for each part of the set. Rs. a. p.
if the amount of the bill or note does not exceed;				200	0 2 0	0 1 0	0 1 0
if it exceeds Rs.	200	and does not exceed		400	0 4 0	0 2 0	0 2 0
Ditto	400	ditto	...	600	0 6 0	0 3 0	0 2 0
Ditto	600	ditto	...	1,000	0 10 0	0 5 0	0 4 0
Ditto	1,000	ditto	...	1,200	0 12 0	0 6 0	0 4 0
Ditto	1,200	ditto	...	1,600	1 0 0	0 8 0	0 6 0
Ditto	1,600	ditto	...	2,500	1 8 0	0 12 0	0 8 0
Ditto	2,500	ditto	...	5,000	3 0 0	1 8 0	1 0 0
Ditto	5,000	ditto	...	7,500	4 8 0	2 4 0	1 8 0
Ditto	7,500	ditto	...	10,000	6 0 0	3 0 0	2 0 0
Ditto	10,000	ditto	...	15,000	9 0 0	4 8 0	3 0 0
Ditto	15,000	ditto	...	20,000	12 0 0	6 0 0	4 0 0
Ditto	20,000	ditto	...	25,000	15 0 0	7 8 0	5 0 0
Ditto	25,000	ditto	...	30,000	18 0 0	9 0 0	6 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000.					6 0 0	3 0 0	2 0 0

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
12. BILL OF EXCHANGE—*concld.*	
(*c*) where payable at more than one year after date or sight.	The same duty as a Bond (No. 14) for the same amount.
13. BILL OF LADING (including a through bill of lading).	Four annas.
	N. B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
Exemption.	
Bill of lading when executed out of Mysore and relating to property to be delivered in Mysore.	
14. BOND [as defined by section 2 (5)] not being a debenture (No. 26) and not being otherwise provided for by this Regulation or by the Court-fees Regulation, 1900—	
where the amount or value secured does not exceed Rs. 10;	Two annas.
where it exceeds Rs. 10 and does not exceed Rs. 50	Four annas.
Ditto 50 ditto ... 100	Eight annas.
Ditto 100 ditto ... 200	One rupee.
Ditto 200 ditto ... 300	One rupee eight annas.
Ditto 300 ditto ... 400	Two rupees.
Ditto 400 ditto ... 500	Two rupees eight annas.
Ditto 500 ditto ... 600	Three rupees.
Ditto 600 ditto ... 700	Three rupees eight annas.
Ditto 700 ditto ... 800	Four rupees.
Ditto 800 ditto ... 900	Four rupees eight annas.
Ditto 900 ditto .. 1,000	Five rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Two rupees eight annas.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
14. BOND—*continued.*	
See ADMINISTRATION BOND (No. 2), BOTTOMRY BOND (No. 15), CUSTOMS BOND (No. 25), INDEMNITY BOND (No. 32), RESPONDENTIA BOND (No. 54), SECURITY BOND (No. 55).	
Exemption.	
Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.	
15. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	The same duty as a Bond (No. 14) for the same amount.
16. CANCELLATION—Instrument of, (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Five rupees.
See also RELEASE (No. 53), REVOCATION OF SETTLEMENT (No. 56—B), SURRENDER OF LEASE (No. 59), REVOCATION OF TRUST (No. 62—B).	
17. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Deputy Commissioner or other Revenue-Officer—	
(*a*) where the purchase-money does not exceed Rs. 10;	Two annas.
(*b*) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25;	Four annas.
(*c*) in any other case	The same duty as a Conveyance (No. 22) for a consideration equal to the amount of the purchase-money only.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
18. CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body. *See also* LETTER OF ALLOTMENT OF SHARES (No. 34)	One anna.
19. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.	One rupee.
20. CHEQUE [as defined by section 2 (7)] ...	One anna.
21. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors.	Ten rupees.
22. CONVEYANCE [as defined by section 2 (10)], not being a TRANSFER charged or exempted under No. 60,—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50.	Eight annas.
where it exceeds Rs. 50 but does not exceed Rs. 100	One rupee.
Ditto 100 ditto ... 200	Two rupees.
Ditto 200 ditto ... 300	Three rupees.
Ditto 300 ditto ... 400	Four rupees.
Ditto 400 ditto ... 500	Five rupees.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
22. CONVEYANCE—*contd.*	
Rs.	
where it exceeds Rs 500 but does not exceed 600	Six rupees.
Ditto 600 ditto ... 700	Seven rupees.
Ditto 700 ditto ... 800	Eight rupees.
Ditto 800 ditto ... 900	Nine rupees.
Ditto 900 ditto ... 1,000	Ten rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Five rupees.
Exemption.	
Assignment of copyright by entry made under the Indian Copyright Act, 1847, section 5.	
CO-PARTNERSHIP-DEED. *See* PARTNERSHIP (No. 44).	
23. COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(*i*) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee;	Eight annas.
(*ii*) in any other case	One rupee.
Exemption.	
Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
24. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid,—	
(*a*) if the duty with which the original instrument is chargeable does not exceed one rupee;	The same duty as is payable on the original.
(*b*) in any other case	One rupee.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
24. COUNTERPART OR DUPLICATE—*continued.* *Exemption.* Counterpart of any lease granted to a cultivator when such lease is exempted from duty.	
25. CUSTOMS-BOND—	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bond (No. 14) for such amount.
(*b*) in any other case	Five rupees.
26. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable by delivery, or by endorsement or by separate instrument of transfer. *Explanation*—The term Debenture includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty. *Exemption.* A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders: provided that the debentures so issued are expressed to be issued in terms of the said mortgage deed. *See also* BOND (No. 14); and Sections 8 and 55. DECLARATION OF ANY TRUST. See TRUST (No. 62.)	The same duty as a Bond (No. 14) for the same amount.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
27. DELIVERY-ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.	One anna.
DEPOSIT OF TITLE-DEEDS. *See* AGREEMENT by way of EQUITABLE MORTGAGE (No. 6).	
DISSOLUTION OF PARTNERSHIP. *See* PARTNERSHIP (No. 44).	
28. DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	One rupee.
DOWER—Instrument of. *See* SETTLEMENT (No. 56).	
DUPLICATE. *See* COUNTERPART (No 24).	
EQUITABLE MORTGAGE. *See* AGREEMENT by way of EQUITABLE MORTGAGE (No. 6).	
29. EXCHANGE OF PROPERTY—Instrument of.	The same duty as a Conveyance (No. 22) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT. *See* COPY (No. 23).	
30. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article No. 38 (that is, with possession);	The same duty as a Conveyance (No. 22) for a consideration equal to the amount of the further charge secured by such instrument.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
30. FURTHER CHARGE—*contd.*	
(*b*) when such mortgage is one of the description referred to in clause (*b*) of Article No. 38 (that is, without possession)—	
(*i*) if at the time of execution of the instrument of further charge, possession of the property is given, or agreed to be given under such instrument;	The same duty as a Conveyance (No. 22) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.
(*ii*) if possession is not so given ...	The same duty as a Bond (No. 14) for the amount of the further charge secured by such instrument.
31. GIFT—Instrument of, not being a SETTLEMENT (No. 56) or WILL or TRANSFER (No. 60).	The same duty as a Conveyance (No. 22) for a consideration equal to the value of the property as set forth in such instrument.
HIRING AGREEMENT or agreemnt for service. *See* AGREEMENT (No. 5).	
32. INDEMNITY-BOND	The same duty as a Security Bond (No. 55) for the same amount.
INSPECTORSHIP-DEED. *See* COMPOSITION DEED (No. 21).	
INSURANCE.—*See* POLICY OF INSURANCE (No. 45).	

Schedule I. - *contd.*

Description of Instrument.	Proper Stamp-duty.
33. LEASE including an under-lease or sub-lease and any agreement to let or sub-let—	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered-	
(*i*) where the lease purports to be for a term of less than one year ;	The same duty as a Bond (No. 14) for the whole amount payable or deliverable under such lease.
(*ii*) where the lease purports to be for a term of not less than one year but not more than three years ;	The same duty as a Bond (No. 14) for the amount or value of the average annual rent reserved.
(*iii*) where the lease purports to be for a term in excess of three years ;	The same duty as a Conveyance (No. 22) for a consideration equal to the amount or value of the average annual rent reserved.
(*iv*) where the lease does not purport to be for any definite term ;	The same duty as a Conveyance (No. 22) for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(*v*) where the lease purports to be in perpetuity ;	The same duty as a Conveyance (No. 22) for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.
(*b*) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved ;	The same duty as a Conveyance (No. 22) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
33. LEASE—*contd.*	
(*c*) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 22) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered. Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and a lease in pursuance of such agreement is subsequenty executed, the duty on such lease shall not exceed eight annas.
Exemption.	
Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.	
34. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.	One anna.
See also CERTIFICATE OR OTHER DOCUMENT (No. 18).	
35. LETTER OF CREDIT that is to say, any instrument by which one person authorizes another to give credit to the person in whose favor it is drawn.	One anna.
LETTER OF GUARANTEE, *See* AGREEMENT (No. 5)	*

Schedule I—*contd.*

Description of Instrument	Proper Stamp-duty.
36. LETTER OF LICENSE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time suspend their claims and allow the debtor to carry on business at his own discretion.	Ten rupees.
37. MEMORANDUM OF ASSOCIATION OF A COMPANY—	
(*a*) if accompanied by articles of association under section 37 of the Mysore Companies Regulation, 1895.	Fifteen rupees.
(*b*) if not so accompanied	Forty rupees
Exemption.	
Memorandum of any association not formed for profit and registered under section 26 of the Mysore Companies Regulation, 1895.	
38. MORTGAGE-DEED, not being an AGREEMENT TO MORTGAGE (No. 6), BOTTOMRY BOND (No. 15), MORTGAGE OF A CROP (No. 39), RESPONDENTIA BOND (No. 54), or SECURITY BOND (No. 55) —	
(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 22) for a consideration equal to the amount secured by such deed.
(*b*) when at the time of execution possession is not given or agreed to be given as aforesaid;	The same duty as a Bond (No. 14) for the amount secured by such deed.
Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.	

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
38 MORTGAGE-DEED—*contd.*	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000.	Eight annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Eight annas.
Exemptions.	
(1) Instruments, executed by persons taking advances under the Land Improvement Loans Regulation, 1890, or section 194 of the Mysore Land Revenue Code, 1888, or by their sureties as security for the repayment of such advances.	
(2) Letter of hypothecation accompanying a bill of exchange.	
(3) Instrument of pledge or pawn of goods if unattested.	
39 MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—	
(a) when the loan is repayable not more than three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200	One anna.
and for every Rs. 200 or part thereof secured in excess of Rs. 200;	One anna.
(b) when the loan is repayable more than three months, but not more than one year, from the date of the instrument—	
for every sum secured not exceeding Rs. 100,	Four annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Four annas.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
40. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a PROTEST (No. 48) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public. *See also* PROTEST OF BILL OR NOTE (No. 48).	One rupee.
41. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal of any goods, stock or marketable security exceeding in value 20 rupees.	One anna.
42. NOTE OF PROTEST BY THE MASTER OF A SHIP. *See also* PROTEST BY THE MASTER OF A SHIP (No. 49).	Eight annas.
ORDER FOR THE PAYMENT OF MONEY. *See* BILL OF EXCHANGE (No. 12).	
43. PARTITION—Instrument of [as defined by s. 2 (15)].	The same duty as a Bond (No. 14) for the amount of the value of the separated share or shares of the property.

N. B.—The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated :

Provided always that—

(*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than eight annas;

(*b*) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue ;

(*c*) where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed eight annas.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
44. PARTNERSHIP—	
A.—Instrument of—	
(*a*) where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.
(*b*) in any other case	Ten rupees.
B.—Dissolution of, ...	Five rupees.
45. POLICY OF INSURANCE —	
A.—Sea-Insurance (see section 7)—	
(1) for or upon any voyage—	
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy;	One anna.
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy;	Two annas.
(2) for time—	
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—	
where the insurance shall be made for any time not exceeding six months;	Two annas.
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	Four annas.
B.—Fire Insurance—	
(1) in respect of an original policy—	
for every sum insured not exceeding Rs. 1,000, and also for every Rs. 1,000 or part thereof insured in excess of Rs. 1,000, for a period—	
(i) not exceeding one month	Two annas.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
45. POLICY OF INSURANCE—*contd.*	
(ii) exceeding one month, but not exceeding three months;	Three annas.
(iii) exceeding three months, but not exceeding six months;	Four annas.
(iv) exceeding six months	Six annas.
(2) in respect of renewing, for the purpose of keeping in force, a policy which has been granted for six months or any shorter term and in respect of which and of the previous renewal whereof (if any) there has not already been paid the duty which would have been chargeable if the policy had originally been granted for a longer term than six months.	The same duty as would be payable in respect of an original policy for the amount and term to which the renewal extends; or the excess of the duty which would have been chargeable if the policy had originally been granted for a longer term than six months, over the duty already paid in respect of the policy and of the previous renewal thereof (if any), whichever is the smaller sum.
C.—Accident and Sickness Insurance—	
(*a*) against railway accident, valid for a single journey only.	One anna.
Exemption.	
When issued to a passenger travelling by the intermediate or the third class in any railway.	
(*b*) in any other case—for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also where such amount exceeds Rs. 1,000, for every Rs. 1,000 or part thereof.	Two annas.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
45. POLICY OF INSURANCE—*contd.*	
D.—Life Insurance or other Insurance not specifically provided for, except such a Re-Insurance as is described in Division E of this article—	
for every sum insured not exceeding Rs. 1,000, and also for every Rs. 1,000 or part thereof insured in excess of Rs. 1,000—	
(i) if drawn singly	Six annas.
(ii) if drawn in duplicate, for each part.	Three annas.
Exemptions.	
Policies of life insurance granted by the Director-General of the Post Office of India in accordance with rules for Postal Life Insurance issued under the authority of the Government of India.	
E.—Re-Insurance by an Insurance Company, which has granted a policy of sea-insurance or a policy of fire-insurance, with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	One-quarter of the duty payable in respect of the original insurance but not less than one anna or more than one rupee.
General Exemption.	
Letter of cover or engagement to issue a policy of insurance :	
Provided that, unless such letter or engagement bears the stamp prescribed by this Regulation for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.	

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
46. POWER OF ATTORNEY [as defined by section 2 (21)], not being a PROXY (No. 50),—	
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	Eight annas.
(*b*) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (*a*);	One rupee.
(*c*) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally;	Five rupees.
(*d*) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Ten rupees.
(*e*) when given for consideration and authorizing the attorney to sell any immoveable property;	The same duty as a Conveyance (No. 22) for the amount of the consideration.
(*f*) in any other case	One rupee for each person authorized. *N. B.*—The term "Registration" includes every operation incidental to registration under the Indian Registration Act, 1877.
Explanation.—For the purpose of this Article more persons than one when belonging to the same firm shall be deemed to be one person.	
47. PROMISSORY NOTE [as defined by section 2 (22)].	The same duty as a bill of exchange (No. 12) according as it is payable on demand or payable otherwise than on demand, as the case may be.

Schedule I.—*contd.*

Description of Instrument.	Proper Stamp-duty.
48. PROTEST OF BILL OR NOTE that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonor of a bill of exchange or promissory note.	One rupee.
49. PROTEST BY THE MASTER OF A SHIP that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such. *See also* NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 42).	One rupee.
50. PROXY empowering any person to vote at any one election of the members of a district or local board or of a body of Municipal Commissioners, or at any one meeting of (*a*) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable, (*b*) a local authority, or (*c*) proprietors, members or contributors to the funds of any institution.	One anna.
51. RECEIPT [as defined by section 2 (23)] for any money or other property the amount or value of which exceeds twenty rupees. *Exemptions.* Receipt— (*a*) endorsed on or contained in any instrument duly stamped, or exempted under the proviso to section 3 (instruments executed on behalf of the Government) acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal-money, interest or annuity or other periodical payment thereby secured;	One anna.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
51. RECEIPT—*contd.* *Exemptions*—concld. (*b*) for any payment of money without consideration; (*c*) for any payment of rent by a cultivator on account of land assessed to Government revenue, or of inam lands; (*d*) for pay or allowances by non-commissioned officers or soldiers of His Highness the Maharaja's Military Forces when serving in such capacity, or by mounted Police-constables; (*e*) given by holders of family-certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned officer or soldier of the said Forces and serving in such capacity; (*f*) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned officers or soldiers, and not serving the Government in any other capacity; (*g*) given by a Patel for land-revenue or taxes collected by him; (*h*) given for money or securities for money deposited in the hands of any banker, to be acounted for: Provided that the same is not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.	

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
52. RECONVEYANCE OF MORTGAGED PROPERTY—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000;	The same duty as a Conveyance (No. 22) for the amount of such consideration as set forth in the Reconveyance.
(*b*) in any other case	Ten rupees.
53. RELEASE, that is to say, any instrument whereby a person renounces a claim upon another person or against any specified property—	
(*a*) if the amount or value of the claim does not exceed Rs. 1,000;	The same duty as a Bond (No. 14) for such amount or value as set forth in the Release.
(*b*) in any other case	Five rupees.
54. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bond (No. 14) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT. *See* SETTLEMENT (No. 56); TRUST (No. 62).	
55. SECURITY BOND OR MORTGAGE-DEED executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract,—	
(*a*) when the amount secured does not exceed Rs. 1000.	The same duty as a Bond (No. 14) for the amount secured.
(*b*) in any other case	Five rupees.
Exemptions.	
Bond or other instrument, when executed—	
(*a*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem;	

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
55. SECURITY BOND OR MORTGAGE-DEED—*contd.* *Exemptions*—concld. (*b*) executed by persons taking advances under the Land Improvement Loans Regulation 1890, or Section 194 of the Mysore Land Revenue Code, 1888, or by their sureties, as security for the repayment of such advances; (*c*) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
56. SETTLEMENT— A—Instrument of, (including a deed of dower). *Exemption.* Deed of dower executed on the occasion of a marriage between Muhammadans.	The same duty as Bond (No. 14) for a sum equal to the amount or value of the property settled as set forth in such settlement: Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed eight annas.
B—Revocation of— ... ... *See also* TRUST (No. 62).	The same duty as a Bond (No. 14) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding ten rupees.

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
57. SHARE WARRANTS to bearer issued under the Mysore Companies Regulation, 1895.	Three-quarters of the duty payable on a Conveyance (No. 22) for a consideration equal to the nominal amount of the shares specified in the warrant.
Exemption.	
Share warrant when issued by a company in pursuance of the Mysore Companies Regulation, 1895, section 30, to have effect only upon payment, as composition for that duty, to the Deputy Commissioner of Stamp-revenue, of—	
(*a*) three-quarters per centum of the whole subscribed capital of the company, or	
(*b*) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—three-quarters per centum of the additional capital so issued.	
SCRIP. *See* CERTIFICATE (No. 18).	
58. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel.	One anna.
59. SURRENDER OF LEASE—	
(*a*) when the duty with which the lease is chargeable does not exceed five rupees,	The duty with which such lease is chargeable.
(*b*) in any other case	Five rupees.
Exemption.	
Surrender of lease, when such lease is exempted from duty.	

Schedule I—*contd.*

Description of Instrument.	Proper Stamp-duty.
60. TRANSFER (whether with or without consideration)—	
(*a*) of shares in an incorporated company or other body corporate;	One-quarter of the duty payable on a Conveyance (No. 22) for a consideration equal to the value of the share.
(*b*) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	One-quarter of the duty payable on a Conveyance (No. 22) for a consideration equal to the face amount of the debenture.
(*c*) of any interest secured by a bond, mortgage-deed or policy of insurance,—	
(*i*) if the duty on such bond, mortgage-deed or policy does not exceed five rupees;	The duty with which such bond, mortgage-deed or policy of insurance is chargeable.
(*ii*) in any other case	Five rupees.
(*d*) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	Five rupees or such smaller amount as may be chargeable under clauses (*a*) to (*c*) of this article.
Exemptions.	
Transfers by endorsement—	
(*a*) of a bill of exchange, cheque or promissory note;	
(*b*) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;	
(*c*) of a policy of insurance;	
(*d*) of securities of the Government of India.	
See also section 8.	

Schedule I—*concld.*

Description of Instrument.	Proper Stamp-duty.
61. TRANSFER OF LEASE by way of assignment and not by way of under lease.	The same duty as a Conveyance (No. 22) for a consideration equal to the amount of the consideration for the transfer.
Exemption	
Transfer of any lease exempt from duty.	
62. TRUST—	
A—Declaration of—of, or concerning, any property when made by any writing not being a WILL.	The same duty as a Bond (No. 14) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding fifteen rupees.
B.—Revocation of—of, or concerning, any property when made by any instrument other than a WILL. *See also* SETTLEMENT (No. 56).	The same duty as a Bond (No. 14) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding ten rupees.
VALUATION. *See* APPRAISEMENT (No. 8).	
63 WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Four annas.

SCHEDULE II.

ENACTMENTS REPEALED

(*See Section 79.*)

No.	Year.	Short title.	Extent of repeal.
I	1879 ...	The Indian Stamp Act, 1879, as extended to Mysoreby Notification of the Government of India, Foreign Department, Judicial, No. 99. I. J., dated the 22nd May 1879.	The whole.
XI	1894 ...	The Mysore Inventions and Designs Regulation, 1894.	So much of the first schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
III	1895 ...	The Mysore Companies Regulation, 1895.	Section 35

THE MYSORE COURT-FEES REGULATION, 1900.

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   (*d*) for an injunction;
   (*e*) for easements;
   (*f*) for accounts;
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REGULATION No. III OF 1900.

(PASSED ON THE 21ST DAY OF APRIL 1900)

The Mysore Court-Fees Regulation, 1900.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Regulation may be called the Mysore Court-fees Regulation, 1900.

Extent of Regulation.

It extends to the whole of Mysore.

Commencement of Regulation.

And it shall come into force on the first day of July 1900.

Repeal of enactments.

2. On and from the first day of July 1900 the enactments mentioned in the fourth schedule shall be repealed to the extent specified in the fourth column thereof.

CHAPTER II.—FEES IN COURTS AND IN PUBLIC OFFICES.

Fees on documents filed, etc., in Courts or in public offices.

3. No document of any of the kinds specified as chargeable in the first or second schedule to this Regulation annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Computation of fees payable in certain suits:

4. The amount of fee payable under this Regulation in the suits next hereinafter mentioned shall be computed as follows:—

for money;

i. In suits for money including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed:

for maintenance and annuities;

ii. In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

for other moveable property having a market-value;

iii. In suits for moveable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint:

iv. In suits—

(*a*) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title, — for moveable property of no market-value;

(*b*) to enforce the right to share in any property on the ground that it is joint family property, — to enforce a right to share in joint family property;

(*c*) to obtain a declaratory decree or order, where consequential relief is prayed, — for a declaratory decree and consequential relief;

(*d*) to obtain an injunction, — for an injunction;

(*e*) for a right to some benefit (not herein otherwise provided for) to arise out of land, and — for easements

(*f*) for accounts— — for accounts;

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

In all such suits the plaintiff shall state the amount at which he values the relief sought:

v. In suits for the possession of land, houses and gardens —according to the value of the subject-matter; and such value shall be deemed to be— — for possession of lands, houses and gardens.

A. where the subject-matter is land, and—

(*a*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government,

or forms part of such an estate and is recorded in the Deputy Commissioner's register as separately assessed with such revenue,

and such revenue is permanently settled—

ten times the revenue so payable:

(*b*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently—

five times the revenue so payable:

(*c*) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue,

and nett profits have arisen from the land during the year next before the date of presenting the plaint —

fifteen times such nett profits:

but where no such nett profits have arisen therefrom—the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood:

(*d*) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned—the market-value of the land:

Explanation.—The word "estate," as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to Government, or which, in the absence of such engagement shall have been separately assessed with revenue:

B. where the subject-matter is a house or garden—the market-value of the house or garden:

to enforce a right of pre-emption;

vi. In suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph v of this section) of the land, house or garden in respect of which the right is claimed:

for interest of assignee of land-revenue;

vii. In suits for the interest of an assignee of land-revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint:

to set aside an attachment;

viii. In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached:

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.

to redeem;

ix. In suits against a mortgagee for the recovery of the property mortgaged,

to foreclose;

and in suits by a mortgagee to foreclose the mortgage,

or, where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principal money expressed to be secured by the instrument of mortgage:

for specific performance;

x. In suits for specific performance—

(*a*) of a contract of sale—according to the amount of the consideration:

(*b*) of a contract of mortgage—according to the amount agreed to be secured:

(*c*) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term :

(*d*) of an award—according to the amount or value of the property in dispute :

xi. In the following suits between landlord and tenant :

between landlord and tenant.

(*a*) for the delivery by a tenant of the counterpart of a lease,

(*b*) to enhance the rent of a tenant having a right of occupancy,

(*c*) for the delivery by a landlord of a lease,

(*d*) to contest a notice of ejectment,

(*e*) to recover the occupancy of land from which a tenant has been illegally ejected by the landlord, and

(*f*) for abatement of rent—

according to the amount of the rent of the land to which the suit refers, payable for the year next before the date of presenting the plaint.

Fee on memorandum of appeal against order relating to compensation.

5. The amount of fee payable under this Regulation on a memorandum of appeal against an order relating to compensation under any Regulation for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

Power to ascertain nett profits or market-value.

6. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in section 4, paragraphs v and vi, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court.

Procedure where nett profits or market-value wrongly estimated.

7. i. If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee : but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or nett profits been rightly estimated.

ii. In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Procedure in suits for mesne profits on account when amount decreed exceeds amount claimed.

8. In suits for mesne profits or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Decision of questions as to valuation.

9. i. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

ii. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section 7, paragraph ii, shall apply.

Refund of fee paid on memorandum of appeal.

10. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section 562 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Deputy Commissioner the full amount of fee paid on the memorandum of appeal.

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

Sections 11-15.

11. Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Deputy Commissioner so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day. Refund of fee on application for review of judgment.

12. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Deputy Commissioner so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the second schedule to this Regulation, No. 1, clause (*b*) or clause (*d*). Refund where Court reverses or modifies its former decision on ground of mistake.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

13. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal the respondent takes, under section 561 of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to. Additional fee where respondent takes objection to unappealed part of decree.

14. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Regulation. Multifarious suits.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, section 45, paragraph 2.

15. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police-officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Regulation, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment. Written examinations of complainants.

Section 16.

Exemption of certain documents.

16. Nothing contained in this Regulation shall render the following documents chargeable with any fee:—

i. Power-of-attorney to institute or defend a suit when executed by an officer or soldier in His Highness the Maharaja's Military Forces not in civil employment.

ii. Written statements called for by the Court after the first hearing of a suit.

iii. Probate of a will and letters of administration, where the amount or value of the property in respect of which the probate or letters shall be granted does not exceed one thousand rupees.

iv. Application or petition to a Deputy Commissioner or other officer making a settlement of land-revenue, or to the Government, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

v. Application relating to a supply for irrigation of water belonging to Government.

vi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.

vii. Application for service of notice of relinquishment of land or of enhancement of rent.

viii. Written authority to an agent to distrain.

ix. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

x. Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xi. Petition, application, charge or information respecting any offence, when presented, made or laid to or before a Police-officer, or to or before the Heads of the Village Police.

xii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

xiii. Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xiv. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xv. Application for the payment of money due by Government to the applicant.

xvi. Petition of appeal against any municipal tax.

xvii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xviii. Petitions under the Indian Christian Marriage Act, 1872, Sections 45 and 48.

CHAPTER III.

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION.

Relief where too high a court-fee has been paid.

17. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue-authority,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

(*a*) cancel the stamp on the probate or letters if such stamp has not been already cancelled;

(*b*) substitute another stamp for denoting the court-fee which should have been paid thereon; and

(*c*) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief where debts due from a deceased person have been paid out of his estate.

18. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if

it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Regulation,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

Relief in case of several grants.

19. Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Regulation has been or is paid thereon, no fee shall be chargeable under the same Regulation when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Regulation shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

Probates declared valid as to trust-property though not covered by court-fee.

20. The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

Provision for case where too low a court-fee has been paid on probates, etc.

21. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue-authority may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid

thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Administrator to give proper security before letters stamped under section 21.

22. In case of letters of administration on which too low a court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of underpayment.

23. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper court-fee.

Notice of applications for probate or letters of administration to be given to Revenue-authorities, and procedure thereon.

24. (1) Where an application for probate or letters of administration is made to any Court other than the Chief Court, the Court shall cause notice of the application to be given to the Deputy Commissioner.

(2) Where such an application as aforesaid is made to the Chief Court, the Chief Court shall cause notice of the application to be given to the Chief Controlling Revenue-authority.

(3) The Deputy Commissioner within the local limits of whose revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken, copies of the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Deputy Commissioner may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Deputy Commissioner, the Deputy Commissioner may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property:

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 277 of the Indian Succession Act, 1865.

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Deputy Commissioner shall be deemed to be a party to the inquiry.

(6) For the purpose of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue-authority of any application under section 21.

(8) The Government may make rules for the guidance of Deputy Commissioners in the exercise of the powers conferred by sub-section (3).

Payment of court-fees in respect of probates and letters of administration.

25. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned in No. 10 of the first schedule has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Deputy Commissioner under section 24, sub-section (4).

Recovery of penalties, &c.

26. (1) Any excess fee found to be peyable on an inquiry held under section 24, sub-section (6), and any penalty or forfeiture under section 23 may, on the certificate of the Chief Controlling Revenue-authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Deputy Commissioner in any part of Mysore.

(2) The Chief Controlling Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 21 or of any court-fee under section 21 in excess of the full court-fee which ought to have been paid.

Sections 3 and 36 not to apply to probates or letters of administration.

27. Nothing in section 3 or section 36 shall apply to probate or letters of administration.

Sections 17 to 27 applied to certificates under the Rules relating to Minors.

28. The provisions of sections 17 to 27 (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under the Rules relative to the custody and guardianship of minors, etc., published under the Notification of the Government of India, Foreign Department, Judicial, No. 75 J., dated the 25th April 1872, and to the holders of such certificates.

CHAPTER IV.—Process fees.

Rules as to costs of processes.

29. The Chief Court shall, as soon as may be, make rules as to the following matters:—

i. the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;

ii. the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and

iii. the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The Chief Court may from time to time alter and add to the rules so made.

Sanction and publication of rules.

All such rules, alterations and additions shall, after being sanctioned by the Government, be published in the official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Regulation.

Tables of process-fees.

30. A table in the English and Kanarese languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Number of peons in District and subordinate Courts.

31. Subject to rules to be made by the Chief Court and approved by the Government,

every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto,

Number of peons in Small Cause Courts.

and for the purposes of this section, every Court of Small Causes shall be deemed to be subordinate to the Court of the District Judge.

Number of peons in Revenue Courts.

32. Subject to rules to be framed by the Chief Controlling Revenue-authority and approved by the Government, every officer performing the functions of a Deputy Commissioner of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

CHAPTER V.—OF THE MODE OF LEVYING FEES.

Collection of fees by stamps.

33. All fees chargeable under this Regulation shall be collected by stamps.

Stamps to be impressed or adhesive.

34. The stamps used to denote any fees chargeable under this Regulation shall be impressed or adhesive, or partly impressed and partly adhesive, as the Government may, by notification in the official Gazette, from time to time direct.

Rules for supply, number, renewal and keeping accounts of stamps.

35. The Government may, from time to time, make rules for regulating—

(*a*) the supply of stamps to be used under this Regulation,

(*b*) the number of stamps to be used for denoting any fee chargeable under this Regulation,

(*c*) the renewal of damaged or spoiled stamps, and

(*d*) the keeping accounts of all stamps used under this Regulation.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Stamping documents inadvertently received.

36. No document which ought to bear a stamp under this Regulation shall be of any validity, unless and until it is properly stamped.

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of the Chief Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

37. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

38. No document requiring a stamp under this Regulation shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.—Miscellaneous.

Repayment of fees paid on applications to Criminal Courts.

39. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which police-officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

ii. In the case mentioned in section 15, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

Admission in criminal cases of documents for which proper fee has not been paid.

40. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 3 shall be deemed to prohibit such filing or exhibition.

Sale of stamps.

41. (1) The Government may from time to time make Rules for regulating the sale of stamps to be used under this Regulation, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

(2) All such rules shall be published in the official Gazette and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundered rupees, or with both.

Power to reduce or remit fees.

42. The Government may from time to time, by notification in the official Gazette, reduce or remit, in the whole or in any part of Mysore, all or any of the fees mentioned in the first and second schedules to this Regulation annexed, and may in like manner cancel or vary such order.

SCHEDULE I.—AD VALOREM FEES.

Number.		Proper Fee.
1. * Plaint or memorandum of appeal (not otherwise provided for in this Regulation), presented to any Civil or Revenue Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Six annas.
	When such amount or value exceeds five rupees, For every five rupees, or part thereof, in excess of five rupees up to one hundred rupees.	Six annas.
	When such amount or value exceeds one hundred rupees, For every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Twelve annas.
	When such amount or value exceeds one thousand rupees, For every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Five rupees.
	When such amount or value exceeds five thousand rupees, For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Ten rupees.
	When such amount or value exceeds ten thousand rupees, For every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees, For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Twenty rupees.
	When such amount or value exceeds thirty thousand rupees, For every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Twenty rupees.

* To ascertain the proper fee leviable on the institution of a suit, see the table annexed to this schedule.

Schedlue I. *Ad valorem fees.—continued.*

Number.		Proper Fee.
1. * Plaint etc.— *(continued).*	When such amount or value exceeds fifty thousand rupees, For every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Twenty-five rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees.	
2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.	.....	A fee of one-half the amount prescribed in the foregoing scale.
3. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	.....	The fee leviable on the plaint or memorandum of appeal.
4. Application for review of judgment, if presented before the ninetieth day from the date of the decree.	.....	One-half of the fee leviable on the plaint or memorandum of appeal.
5. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than the Chief Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(*a*),—If the amount or value of the subject-matter is fifty or less than fifty rupees.	Four annas.
	(*b*),—If such amoun tor value exceeds fifty rupees.	Eight annas.
	When such judgment or order is passed by the Chief Court.	One rupee.

* To ascertain the proper fee leviable on the institution of a suit, see the table annexed to this schedule.

Schedule I. *Ad valorem fees—continued.*

Number.		Proper Fee.
6. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the Chief Court, or by any Revenue Court—	
	(*a*).—If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Eight annas.
	(*b*).—If such amount or value exceeds fifty rupees.	One rupee.
	When such decree or order is made by the Chief Court.	Four rupees.
7. Copy of any document liable to stamp-duty under the Mysore Stamp Regulation, 1900, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*).—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b*).—In any other case.	Eight annas.
8. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Regulation, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Eight annas.

Schedule I. *Ad valorem fees—continued.*

Number.		Proper Fee.
9. Certificate of administration granted under the Rules relative to the Custody and Guardianship of minors, idiots and other disqualified persons in Mysore, published under the Notification of the Government of India, Foreign Department, Judicial No. 75 J., dated the 25th April 1872	If the amount or value of the property in respect to which such certificate is granted does not exceed five hundred rupees.	Five rupees.
	If such amount or value exceeds five hundred rupees but not one thousand rupees.	Ten rupees.
	And for every one thousand rupees, or part thereof in excess of one thousand rupees	Five rupees.
[a] 10. Probate of a will or letters of administration with or without will annexed.	If the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees.	Two per centum on such amount or value: Provided that when, after the grant of a certificate under the Succession Certificate Regulation, 1901, or Act XXVII of 1860, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.
[a] 11. Certificate under the Succession Certificate Regulation, 1901.	In any case.	Two per centum on the amount or value of any debt or security specified in the certificate under section 8 of the Regulation, and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Regulation.

[a] These articles were substituted for the original articles 10 and 11 by Regulation VII of 1901, s. 13.

Schedule I. *Ad valorem fees—contd.*

Number.		Proper Fee.
11. Certificate etc—*contd.*	In any case	.. NOTE.—(1) The amount of a debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained. (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Regulation, and, where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of, the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

Schedule I.

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
..	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0
100	110	8 4 0
110	120	9 0 0
120	130	9 12 0
130	140	10 8 0
140	150	11 4 0
150	160	12 0 0
160	170	12 12 0
170	180	13 8 0
180	190	14 4 0
190	200	15 0 0
200	210	15 12 0
210	220	16 8 0
220	230	17 4 0
230	240	18 0 0
240	250	18 12 0
250	260	19 8 0
260	270	20 4 0
270	280	21 0 0
280	290	21 12 0
290	300	22 8 0
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
330	340	25 8 0
340	350	26 4 0

Schedule I. *Table of rates of ad valorem fees etc.,—continued.*

When the amount or value of the subject-matter exceeds.	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0
500	510	38 4 0
510	520	39 0 0
520	530	39 12 0
530	540	40 8 0
540	550	41 4 0
550	560	42 0 0
560	570	42 12 0
570	480	43 8 0
580	590	44 4 0
590	600	45 0 0
600	610	45 12 0
610	620	46 8 0
620	630	47 4 0
630	640	48 0 0
640	650	48 12 0
650	660	49 8 0
660	670	50 4 0
670	680	51 0 0
680	690	51 12 0
690	700	52 8 0
700	710	53 4 0
710	720	54 0 0
720	730	54 12 0
730	740	55 8 0
740	750	56 4 0
750	760	57 0 0
760	770	57 12 0
770	780	58 8 0
780	790	59 4 0
790	800	60 0 0
800	810	60 12 0
810	820	61 8 0
820	830	62 4 0
830	840	63 0 0

Schedule I. *Table of rates of ad valorem fees etc.,—continued.*

When the amount or value of the subject-matter exceeds.	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. a. p.
840	850	63 12 0
850	860	64 8 0
860	870	65 4 0
870	880	66 0 0
880	890	66 12 0
890	900	67 8 0
900	910	68 4 0
910	920	69 0 0
920	930	69 12 0
930	940	70 8 0
940	950	71 4 0
950	960	72 0 0
960	970	72 12 0
970	980	73 8 0
980	990	74 4 0
990	1,000	75 0 0
1,000	1,100	80 0 0
1,100	1,200	85 0 0
1,200	1,300	90 0 0
1,300	1,400	95 0 0
1,400	1,500	100 0 0
1,500	1,600	105 0 0
1,600	1,700	110 0 0
1,700	1,800	115 0 0
1,800	1,900	120 0 0
1,900	2,000	125 0 0
2,000	2,100	130 0 0
2,100	2,200	135 0 0
2,200	2,300	140 0 0
2,300	2,400	145 0 0
2,400	2,500	150 0 0
2,500	2,600	155 0 0
2,600	2,700	160 0 0
2,700	2,800	165 0 0
2,800	2,900	170 0 0
2,900	3,000	175 0 0
3,000	3,100	180 0 0
3,100	3,200	185 0 0
3,200	3,300	190 0 0
3,300	3,400	195 0 0
3,400	3,500	200 0 0
3,500	3,600	205 0 0
3,600	3,700	210 0 0
3,700	3,800	215 0 0
3,800	3,900	220 0 0
3,900	4,000	225 0 0
4,000	4,100	230 0 0
4,100	4,200	235 0 0

Schedule I. *Table of rates of ad valorem fees etc.,—continued.*

When the amount or value of the subject-matter exceeds.	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	a.	p.
4,200	4,300	240	0	0
4,300	4,400	245	0	0
4,400	4,500	250	0	0
4,500	4,600	255	0	0
4,600	4,700	260	0	0
4,700	4,800	265	0	0
4,800	4,900	270	0	0
4,900	5,000	275	0	0
5,000	5,250	285	0	0
5,250	5,500	295	0	0
5,500	5,750	305	0	0
5,750	6,000	315	0	0
6,000	6,250	325	0	0
6,250	6,500	335	0	0
6,500	6,750	345	0	0
6,750	7,000	355	0	0
7,000	7,250	365	0	0
7,250	7,500	375	0	0
7,500	7,750	385	0	0
7,750	8,000	395	0	0
8,000	8,250	405	0	0
8,250	8,500	415	0	0
8,500	8,750	425	0	0
8,750	9,000	435	0	0
9,000	9,250	445	0	0
9,250	9,500	455	0	0
9,500	9,750	465	0	0
9,750	10,000	475	0	0
10,000	10,500	490	0	0
10,500	11,000	505	0	0
11,000	11,500	520	0	0
11,500	12,000	535	0	0
12,000	12,500	550	0	0
12,500	13,000	565	0	0
13,000	13,500	580	0	0
13,500	14,000	595	0	0
14,000	14,500	610	0	0
14,500	15,000	625	0	0
15,000	15,500	640	0	0
15,500	16,000	655	0	0
16,000	16,500	670	0	0
16,500	17,000	685	0	0
17,000	17,500	700	0	0
17,500	18,000	715	0	0
18,000	18,500	730	0	0
18,500	19,000	745	0	0
19,000	19,500	760	0	0
19,500	20,000	775	0	0

Schedule I. *Table of rates of ad valorem fees etc.,—continued.*

When the amount or value of the subject-matter exceeds.	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	a.	p.
20,000	21,000	795	0	0
21,000	22,000	815	0	0
22,000	23,000	835	0	0
23,000	24,000	855	0	0
24,000	25,000	875	0	0
25,000	26,000	895	0	0
26,000	27,000	915	0	0
27,000	28,000	935	0	0
28,000	29,000	955	0	0
29,000	30,000	975	0	0
30,000	32,000	995	0	0
32,000	34,000	1,015	0	0
34,000	36,000	1,035	0	0
36,000	38,000	1,055	0	0
38,000	40,000	1,075	0	0
40,000	42,000	1,095	0	
42,000	44,000	1,115	0	0
44,000	46,000	1,135	0	0
46,000	48,000	1,155	0	0
48,000	50,000	1,175	0	0
50,000	55,000	1,200	0	0
55,000	60,000	1,225	0	0
60,000	65,000	1,250	0	0
65,000	70,000	1,275	0	0
70,000	75,000	1,300	0	0
75,000	80,000	1,325	0	0
80,000	85,000	1,350	0	0
85,000	90,000	1,375	0	0
90,000	95,000	1,400	0	0
95,000	1,00,000	1,425	0	0
1,00,000	1,05,000	1,450	0	0
1,05,000	1,10,000	1,475	0	0
1,10,000	1,15,000	1,500	0	0
1,15,000	1,20,000	1,525	0	0
1,20,000	1,25,000	1,550	0	0
1,25,000	1,30,000	1,575	0	0
1,30,000	1,35,000	1,600	0	0
1,35,000	1,40,000	1,625	0	0
1,40,000	1,45,000	1,650	0	0
1,45,000	1,50,000	1,675	0	0
1,50,000	1,55,000	1,700	0	0
1,55,000	1,60,000	1,725	0	0
1,60,000	1,65,000	1,750	0	0
1,65,000	1,70,000	1,775	0	0
1,70,000	1,75,000	1,800	0	0
1,75,000	1,80,000	1,825	0	0
1,80,000	1,85,000	1,850	0	0

Schedule I. *Table of rates of ad valorem fees etc.,—concluded.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee		
Rs.	Rs.	Rs.	a.	p.
1,85,000	1,90,000	1,875	0	0
1,90,000	1,95,000	1,900	0	0
1,95,000	2,00,000	1,925	0	0
2,00,000	2,05,000	1,950	0	0
2,05,000	2,10,000	1 975	0	0
2,10,000	2,15,000	2'000	0	0
2,15,000	2,20,000	2'025	0	0
2,20,000	2,25,000	2'050	0	0
2,25,000	2,30,000	2'075	0	0
2,30,000	2,35,000	2'100	0	0
2,35,000	2,40,000	2'125	0	0
2,40,000	2,45,000	2'150	0	0
2,45,000	2,50,000	2'175	0	0
2,50,000	2,55,000	2'200	0	0
2,55,000	2,60,000	2'225	0	0
2,60,000	2,65,000	2'250	0	0
2,65,000	2,70,000	2'275	0	0
2,70,000	2,75,000	2'300	0	0
2,75,000	2,80,000	2'325	0	0
2,80,000	2,85,000	2'350	0	0
2,85,000	2,90,000	2'375	0	0
2,90,000	2,95,000	2'400	0	0
2,95,000	3,00,000	2'425	0	0
3,00,000	3,05,000	2'450	0	0
3,05,000	3,10,000	2'475	0	0
3,10,000	3,15,000	2'500	0	0
3,15,000	3,20,000	2'525	0	0
3,20,000	3,25,000	2'550	0	0
3,25,000	3,30,000	2'575	0	0
3,30,000	3,35,000	2'600	0	0
3,35,000	3,40,000	2'625	0	0
3,40,000	3,45,000	2'650	0	0
3,45,000	3,50,000	2'675	0	0
3,50,000	3,55,000	2'700	0	0
3,55,000	3 60,000	2'725	0	0
3,60,000	3,65,000	2'750	0	0
3,65,000	3,70,000	2'775	0	0
3,70,000	3,75,000	2,800	0	0
3,75,000	3,80,000	2'825	0	0
3,80,000	3,85,000	2,850	0	0
3,85,000	3,90,000	2,875	0	0
3,90,000	3,95,000	2,900	0	0
3,95,000	4,00,000	2,925	0	0
4,00,000	4,05,000	2,950	0	0
4,05,000	4,10,000	2,975	0	0
4,10,000	.....	3,000	0	0

SCHEDULE II.

FIXED FEES.

Number.		Proper Fee.
1. Application or petition.	(*a*).—When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;	...
	or when presented to any officer of Land-revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;	
	or when presented to any Municipal Commissioner under any law for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	One anna.
	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes, or to a Deputy Commissioner or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.	

Schedule II.—*Fixed Fees.—continued.*

Number.		Proper Fee.
1. Application or petition—*concluded.*	(b).—When containing a complaint or charge of any offence other than an offence for which police-officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court; or when presented to a Civil, Criminal or Revenue Court, or to a Deputy Commissioner, or any Revenue-officer having jurisdiction equal or subordinate to a Deputy Commissioner or to any Magistrate in his executive capacity, and not otherwise provided for by this Regulation; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by landlord to his tenant.	Eight annas.
	(c).—When presented to the Chief Controlling Revenue or Executive Authority.	One rupee.
	(d).—When presented to the Chief Court.	Two rupees.
2. Application for leave to sue as a pauper.	... ...	Eight annas.
3. Application for leave to appeal as a pauper.	(*a*).—When presented to a District Court.	One rupee.
	(*b*).—When presented to the Chief Court.	Two rupees.
4. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.		Eight annas.

Schedule II—*Fixed Fees.—continued.*

Number.		Proper Fees.
5. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, or the Code of Civil Procedure.	.....	Eight annas.
6. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case—	
	(*a*)—to any Civil or Criminal Court other than the Chief Court, or to any Revenue Court, or to any Deputy Commissioner or Magistrate, or other Executive Officer, other than the Chief Controlling Revenue or Executive Authority.	Eight annas.
	(*b*)—to the Chief Court, or Chief Controlling Revenue or Executive Authority.	Two rupees.
7. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—	(*a*)—to any Civil Court, other than the Chief Court, or to any Revenue Court or Executive Officer other than the Chief Court or Chief Controlling Revenue or Executive Authority.	Eight annas.
	(*b*)—to the Chief Court or Chief Controlling Executive or Revenue Authority.	Two rupees.
8. Caveat. 9. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866 10. Plaint or memorandum of appeal in a suit to obtain possession of a wife.	.....	Five rupees.

Schedule II. *Fixed Fees.—continued.*

Number.		Proper Fee.
11. Plaint or memorandum of appeal in each of the following suits :—		
i. to alter or set aside a summary decision or order of any Civil or Revenue Court;		
ii. to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates;		
iii. to obtain a declaratory decree where no consequential relief is prayed;	.....	Ten rupees.
iv. to set aside an award;		
v. to set aside an adoption;		
vi. every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Regulation.		
12. Application under section 523 of the Code of Civil Procedure.		
13. Agreement under section 527 of the same Code.		

SCHEDULE III.

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY).

(*See section 25.*)

IN THE COURT OF

Re Probate of the Will of , (*or Administration of the property and credits of*) *deceased*.

I { solemnly affirm / make oath }

and say that I am the executor (or one of the executors or one of the next of kin) of deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the abovenamed deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of

ANNEXURE A.

VALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF DECEASED.

	Rs.	a.	p.
Cash in the house and at the banks, household goods, wearing-apparel, books, plate, jewels etc.			
(*State estimated value according to best of Executor's or Administrator's belief.*)			
Property in Government securities transferable at the Public Debt Office.			
(*State description and value at the price of the day; also the interest separately, calculating it to the time of making the application.*)			
Immoveable property, consisting of			
(*State description, giving, in the case of houses, the assessed value, if any, and the number of years' assessment the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued.*)			
Leasehold Property.			
(*If the deceased held any leases for years determinable, state the number of years' purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.*)			

Schedule III. *Form of valuation—concld.*

Annexure A.—concld.

	Rs.	a.	p.
Property in public companies.			
(*State the particulars and the value calculated at the price of of the day; also the interest separately, calculating it to the time of making the application.*)			
Policy of insurance upon life, money out an mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money.			
(*State the amount of the whole; also the interest separately' calculating it to the time of makin, the application.*)			
Book debts.			
(*Other than bad*)			
Stock in trade.			
(*State the estimated value, if any*)			
Other property not comprised under the foregoing heads.			
(*State the estimated value, if any*)			
TOTAL ...			
Deduct amount shown in Annexure B not subject to duty.			
NET TOTAL ...			

ANNEXURE B.

SCHEDULE OF DEBTS, ETC.

	Rs.	a.	p.
Amount of debts due and owing from the deceased, payable by law out of the estate.			
Amount of funeral expenses.			
Amount of mortgage incumbrances.			
Property held in trust not beneficially or with general power to confer a beneficial interest.			
Other property not subject to duty.			
TOTAL ...			

SCHEDULE IV. ENACTMENTS REPEALED.

(*See section 2.*)

Year.	No.	Short Title or Subject.	Extent of Repeal.
1870 ...	VII	The Court Fees Act, 1870, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 94, dated the 17th June 1870.	The whole.
1872 ...	XV	The Indian Christian Marriage Act, 1872, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 176-J., dated the 31st December 1875.	So much of section 2, as relates to the Court Fees Act, 1870.

REGULATION No. IV OF 1900.

(PASSED ON THE 15TH DAY OF MAY 1900.)

A Regulation to provide for the protection of person and property from the risks incident to the supply and use of electricity for lighting and other purposes.

Whereas it is expedient to control the supply and use of electricity for lighting and other purposes; Preamble.

AND WHEREAS, in the existing circumstances of the supply and use of electricity in Mysore, the exercise of that control by means of licenses or other like methods may be deferred, and it will suffice for the present to provide for the protection of person and property from the risks incident to such supply and use; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Electricity Regulation, 1900; Title, extent and commencement.

(2) It shall extend to the whole of Mysore; and

(3) It shall come into force at once.

2. In this Regulation, unless there is something repugnant in the subject or context,— Definitions.

(1) "electricity" includes galvanism, magnetism, magneto-electricity and electro-magnetism:

(2) expressions defined in the Indian Telegraph Act, 1885, as made applicable to Mysore by Regulation IV of 1899, have the meanings assigned to them in that Act as so made applicable:

(3) "purpose" includes any purpose except the transmission of a message: and

(4) "vessel" includes anything used for the conveyance by water of human beings or of property.

3. In either of the following cases, namely:— Notice of intention to supply or use electricity.

(*a*) if a person intends to undertake the business of supplying electricity, or

(*b*) if a person intends to use electricity for any public purpose, or in any public place, or in any place where there is likelihood of the public being affected, or in a place in which one hundred or more persons are likely to be assembled, or in a place which is a factory within the meaning of the Mysore Factories Regulation, 1892, the person shall, one week at least before commencing the supply or use, give notice of his intention to the District Magistrate.

Power to make rules.

4. (1) The Government of Mysore may make such rules as it thinks expedient—

(*a*) for the protection of person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the generation or supply of electricity, and

(*b*) for preventing telegraph lines from being injuriously affected by any of those appliances or apparatus.

(2) The rules may, among other matters, authorise any officer, either by name or in virtue of his office, to enter, inspect and examine any place, carriage or vessel in which the officer has reason to believe any such appliances or apparatus to be.

(3) Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this section on the Government, and shall be of the same force as if enacted by this Regulation.

(4) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

Penalties.

5. If a person undertakes the business of supplying electricity, or uses electricity for any such purpose or in any such place as is referred to in section 3, without giving the notice required by that section, or infringes any rule under section 4, or obstructs an officer in the exercise of his authority under any such rule to enter, inspect and examine any place, carriage or vessel, he shall be punished with fine which may extend to five hundred rupees, and, if he continues so to supply or use electricity or infringe the rule or obstruct the officer, after notice in writing to desist from so doing has been given to him by the District Magistrate, he shall be further punished with fine which may extend to one hundred rupees for every day during which such supply, use, infringement or obstruction continues.

Exercise for the purposes of the Government of the powers of the telegraph authority.

6. The Government of Mysore may, for the placing of appliances and apparatus for the supply of electricity for any purpose of the Government, confer upon any public officer any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885, as made applicable to Mysore by Regulation IV of 1899, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

REGULATION No. V OF 1900.

(PASSED ON THE 21ST DAY OF JUNE 1900.)

A Regulation to Amend the Mysore Military Regulation, 1899.

Whereas it is expedient to amend the Mysore Military Regulation, 1899; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. For paragraph 1 of the "Rules for the Punishment of Crime in the Mysore Imperial Service Cavalry and Transport," the following shall be substituted, namely:— Amendment of para 1 of Rules for the Punishment of Crime.

"All officers, non-commissioned officers, sowars, sepoys, and "followers of the Imperial Service Troops are subject to these "Rules, except on active service when they are under the same "rules as laid down in the Indian Articles of War, so far as such "rules can be made applicable to them."

2. For paragraph 36 of the said Rules, the following shall be substituted, namely:— Amendment of para 36.

"The procedure to be observed for assembling and composi- "tion of courts-martial on service will be the same as that laid "down in the Indian Articles of War."

3. In paragraph 68 of the said Rules after the word "assembled," in paragraph 78 after the word "punishable," and in paragraph 79 after the word "convicted" there shall be inserted the words "under these Rules." Amendment of paras 68 78 and 79.

4. In paragraph 89 of the said Rules, the words "or under the Indian Articles of War" shall be omitted. Amendment of para 89.

REGULATION No. VI OF 1900.

(PASSED ON THE 21ST DAY OF JUNE 1900.)

A Regulation to further amend the Mysore Mines Regulation No. III of 1897 as amended by Regulation No. I of 1900.

For Clause (v) of section 24 of the said Regulation the following shall be substituted, namely:—

"(v) for regulating the keeping of cattle and other animals, "the location of sheds for them, and the fixing or licensing of "slaughter-houses; and authorising the levy of rent or fees for "the use of the same or a fee on each animal slaughtered therein "at such rates as may be prescribed from time to time; and"

REGULATION No. VII OF 1900.

(PASSED ON THE 20TH DAY OF JULY 1900.)

A Regulation to Amend the Law Relating to Legal Tender and Coinage in Mysore.

WHEREAS it is expedient to amend the law relating to Legal Tender and Coinage in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows :— Preamble.

1. This Regulation may be called "The Coinage Regulation, 1900;" Short title.

The Indian Coinage Act, XXIII of 1870, as it is in force in British India, is printed below for reference :—

THE INDIAN COINAGE ACT XXIII OF 1870.

[As modified up to the 16th September 1899.]

An Act to consolidate and amend the law relating to Coinage and the Mint.

Whereas it is expedient to consolidate and amend the law relating to Coinage and the Mint; Preamble.

It is hereby enacted as following :—

I.—Preliminary.

1. This Act may be called the Indian Coinage Act, 1870. Short title.

2. (*Repeal of enactments.*) *Repealed by Act XII of 1873.*

3. In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council by notification in the *Gazette of India*, from time to time directs ; Interpretation clause.

the expression "Mint-rules" means such rules as the Governor General in Council from time to time prescribes for the management of the Mint;

and the expression "remedy" means variation from the standard weigh and fineness.

II.—Gold Coinage.

4. The undermentioned gold coins only shall be coined at the Mint:— Gold coins.

(1) a gold mohur or fifteen-rupee piece;

(2) a five-rupee piece equal to a third of a gold mohur;

(3) a ten-rupee piece equal to two-thirds of a gold mohur;

(3) a thirty-rupee piece or a double gold mohur.

Section 1.

Extent. It extends to the whole of Mysore; and

Commencement. It shall come into force, with effect from the date of the passing thereof.

Their standard weight and fineness.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains, Troy, and its standard fineness shall be as follow:—eleven-twelfths or one hundred and sixty-five grains, of fine gold, and one-twelfth, or fifteen grains, of alloy.

The other gold coins shall be of proportionate weight and of the same fineness;

Remedy allowed.

Provided that, in the making of gold coins, a remedy shall be allowed of an amount not exceeding two-thousandths in weight and two-thousandths in fineness.

III.—Silver Coinage.

Silver coins.

6. The undermentioned silver coins only shall be coined at the Mint:

(1) a rupee to be called the Government rupee;

(2) a half rupee;

(3) a quarter rupee, or four-anna piece;

(4) an eighth of a rupee, or two-anna piece.

Their standard weight and fineness.

7. The standard weight of the Government rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy.

The other silver coins shall be of proportionate weight and of the same fineness:

Remedy allowed.

Provided that, in the making of silver coins, a remedy shall be allowed of an amount not exceeding the following:—

	Remedy in weight	Remedy in fineness.
Rupee ...	Five-thousandths ...	Two-thousandths.
Half rupee ...		
Quarter rupee	Seven-thousandths	Three-thousandths.
Eighth of a rupee	Ten-thousandths	

IV.—Copper Coinage.

Copper coins.

8. The undermentioned copper coins only shall be coined at the Mint:—

(1) a double pice, or half anna;

(2) a pice, or quarter anna;

(3) a half pice, or one-eighth of an anna.

(4) a pie, being one-third of a pice, or one-twelfth of an anna.

Section 2.

2. The coins of the Government of India shall be legal tender in Mysore in the cases in which payment made in such coins would, under the law for the time being in force, be lega tender in British India; Government of India coins to be legal tender in Mysore as in British India.

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9. The weight of the double pice shall be two hundred grains, Troy. Their weight.

The other copper coins shall be of proportionate weight:

Provided that, in the making of copper coins, a remedy shall be allowed of an amount not exceeding one-fortieth in weight. Remedy allowed.

V.—Devices on Coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embellishments on each coin as the Governor General in Council from time to time determines. Present devices on coins.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe, in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit. Power to order other devices.

VI.—Legal Tender.

12. Gold coins, whether coined at Her Majesty's Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign: Gold coin a legal tender.

Provided that such coins have not been called in by any Proclamation mad in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight.

13. The said rupee and half rupee shall be a legal tender in payment or on account: Rupee and half rupees a legal tender.

Provided that the coin has not lost more than two per cent. in weight:

Provided also that it has not been clipped or filed, or defaced or diminished otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section. Four-anna and two-anna pieces.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna; Copper coin when a legal tender.

the pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

Sections 2—concld.

British Indian coinage laws to apply to coins current in Mysore.

And all laws and rules for the time being applicable to coins current in British India shall apply to coins current in Mysore.

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and the pie for the hundred and ninety-second part of a rupee or for one twelfth of an anna;

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

Coin made under former Acts.

15. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835 No. XXII of 1844 and No. XIII, of 1862 issued since the passing of those Acts respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding

VII.—Diminished, Counterfeit and Called-in Coin.

Cutting certain silver coins.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorised by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight,

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another, (subject to the rules which the Governor General in Council prescribes in this behalf), cut or break such coin.

Return of cut coin.

17. If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

Receipt of cut coin.

But if it has been coined and issued by the authority of the Government of India, and has lost, by reasonable wearing, more than two per cent. in weight, or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

18. (*Indemnification of public servants*), *Repealed by Act XII of 1876.*

Bar of suits for acts done *bonâ fide.*

No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

VIII.—Coinage of Bullion.

19 *to* 26. (*Repealed by Act VII. of 1893.*)

Section 3.

Repeal of Act XXIII of 1870.

3. The Indian Coinage Act, 1870, as extended to Mysore by the Notification of the Government of India, Foreign Department, Finance, No. 436, dated the 22nd November 1870, is repealed.

IX.—Power to make Rules.

27. The Governor General in Council may, from time to time,—

Rules as to officers and management of the Mint.

(1) fix the number and duties of the officers of, and persons employed in, the Mint:

(2) make rules and give directions (subject to the provisions of this Act and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

28. The Governor General in Council may also, from time to time, by notification in the *Gazette of India*,—

Rules by notification.

(1) diminish the amount of remedy allowed by sections 5, 7 and 9 in the case of any coin:

(2) determine in the case of any coin the date and embellishments to be put thereon:

(3) call in coins of any date or denomination, or any coins coined before the date in the notification mentioned:

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section 16:

(5) prescribe the charge to be made on account of the loss and expense of refining:

(6) determine the period for which certificates granted under section 24 [*a*] shall run:

(7) fix the fee payable under section 25 [*a*]:

(8) establish a Mint at any place in British India, other than Calcutta and Bombay:

(9) abolish any Mint so established or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act:

(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned and shall have effect as if it were enacted in this Act.

SCHEDULE.

(ENACTMENTS REPEALED)

Repealed by Act XII of 1873.

[*a*] Ss. 24 and 25 were repealed by Act VIII of 1893.

REGULATION No. VIII OF 1900.

(PASSED ON THE 7TH DAY OF OCTOBER 1900.)

A Regulation to further Amend the Municipal Regulations of 1871.

Preamble. Whereas it is expedient to further amend the Municipal Regulations of 1871: Her Highness the Maharani-Regent is pleased to enact as follows:—

Substitution of new section for section 35. **1.** The following shall be substituted for section 35 of the said Regulations:—

"Power to exempt person, &c, from payment of tax imposed under these Regulation." "The Municipal Commissioners may, by resolution confirmed by Government, and the Government may, by order, exempt in whole or in part, from the payment of any tax imposed under these Regulations any person or class of persons or any property or description of property."

Amendment of section 51. **2.** In section 51 of the said Regulations, the words "but no other exemption from payment of the tolls levied under these Regulations shall be allowed" are repealed.

REGULATION No. IX OF 1900.

(PASSED ON THE 2ND DAY OF NOVEMBER 1900.)

A Regulation to provide for certain matters in connection with the taking of the Census.

Preamble.

Whereas it has been determined to take a census of Mysore during the year 1901, and it is expedient to provide for certain matters in connection with the taking of such census; Her Highness the Maharani-Regent is pleased to enact as follows:

Title, extent and commencement.

1. (1) This Regulation may be called the Mysore Census Regulation, 1900.

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

Appointment of census-officers.

2. (1) The Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census-officers.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

Proof of appointment of census-officers, and their status as public servants.

3. (1) A declaration in writing, signed by any officer authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Discharge of duties of census-officers in certain cases.

4. (1) (*a*) Every officer in command of any body of men belonging to His Highness the Maharaja's Military Forces.

(*b*) every person in charge of a lunatic asylum, hospital, work house, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any choultry, hotel, boarding-house, lodging-house or club, and

(*d*) every occupant of immoveable property and every manager or officer of a railway or other commercial or industrial enterprise who has at the time of the taking of the census not less than fifty persons employed under him, or living on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such immoveable property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Regulation relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of District Magistrate to call upon certain persons to give assistance

5. (1) The District Magistrate, or such officer as the Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, farmers, and assignees of land-revenue or their agents, and

(*b*) all village officials in alienated tracts including inam and kayamgutta villages and jaghirs,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the census on the lands of such owners, occupiers, holders, farmers and assignees, or in the villages or other areas for which such village officials are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers and assignees or their agents and such village officials shall be bound to obey it.

Asking of questions by census-officers

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed, as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

Sections 7-10.

Obligation to answer questions.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier to fill up schedule.

9. (1) Subject to such orders as the Government may issue in this behalf, any census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof with such particulars as the Government may direct regarding the inmates of such house or part at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

Penalties.

10. In any of the following cases, namely:

(*a*) if a census-officer or a person appointed to be a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Regulation, or with any rule duly made thereunder,

(*b*) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,

(*c*) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,

(*d*) if any person occupying any house, enclosure or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,

(*e*) if any person removes, obliterates, alters or injures before the thirty-first day of March, 1901, any letters, marks or numbers which have been painted or affixed for the purposes of the census,

(*f*) if any occupier of a dwelling-house or part thereof knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

11. (1) The Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Regulation may be instituted.

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Regulation shall be instituted before the District Magistrate.

(3) No prosecution under this Regulation shall be instituted except with the previous sanction of the Government, or with the previous sanction of some officer authorised by the Government in this behalf.

Records of census not open to inspection or admissible in evidence in certain proceedings.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of Mysore during the year 1901, cause the census of the municipality to be taken wholly or in part by any method authorised by this Regulation.

Power in regard to expenses.

14. Notwithstanding anything in any enactment or rule, in regard to municipal or local funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Regulation may be charged to any municipal or local fund constituted for, and on behalf of, the area within which such expenses were incurred.

Section 15.

15. (1) The Government may make rules for carrying out the purposes of this Regulation. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census and for the general instructions to be issued to such officers and persons;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision;

(*c*) for the enumeration of persons travelling on the night when a census is taken.

REGULATION No. X OF 1900

(PASSED ON THE 16TH DAY OF NOVEMBER 1900.)

A Regulation to further amend the Indian Evidence Act, 1872, as in force in Mysore.

Preamble.

WHEREAS it is expedient to further amend the Indian Evidence Act, 1872, as in force in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

Commencement.

1. This Regulation shall come into force at once.

Amendment of section 45, and addition to section 73, Act I, 1872.

2. (1) In section 45 of the Indian Evidence Act, 1872, as amended by section 4 of the Indian Evidence Act Amendment Act, XVIII of 1872, after the word "handwriting" in each of the two places in which it occurs, the words "or finger-inpressions" shall be inserted.

(2) To section 73 of the said Act, the following shall be added, namely:—

"This section applies also, with any necessary modifications, to finger impressions."

THE MYSORE FOREST REGULATION, 1900.

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REGULATION No. XI OF 1900.

(PASSED ON THE 16TH DAY OF NOVEMBER 1900.)

A Regulation to amend the Law relating to Forests and Forest Produce in Mysore.

Preamble. Whereas it is expedient to amend the law relating to forests and forest produce in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

CHAPTER I.—PRELIMINARY.

Title, extent, and commencement. **1.** (1) This Regulation may be called The Mysore Forest Regulation, 1900.

(2) It extends to the whole of Mysore; provided that the Government may, by notification in the official Gazette, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption; and

* (3) It shall come into force on such date as the Government may, by notification in the official Gazette, direct.

(4) A Notification under the proviso to sub-section (2), exempting a place from the operation of the whole or any part of this Regulation, shall not affect anything done, or any offence committed, or any fine or penalty imposed, in such place before such exemption.

Repeal of Forest Rules of 1878. (5) On and from the date on which this Regulation comes into force, the "Rules for the administration of Forests and waste lands in the Territories of His Highness the Maharaja of Mysore," published under the Notification of the Governor General of India in Council, No. 588 F., dated the 8th June 1878, shall be repealed. But all acts done, proceedings had, appointments made, powers conferred, subsidiary rules prescribed and notifications published under the said Rules of 1878, or under any other law relating to matters for which this Regulation provides, shall, so far as they are not inconsistent with this Regulation, be deemed to have been respectively done, had, made, conferred, prescribed and published under this Regulation.

Interpretation clause. **2.** In this Regulation and in all rules made thereunder, unless there be something repugnant in the subject or context,—

* The Regulation came into force on the 1st day of January 1901.
(Notification No. 7316—Legis-53, dated 24th November 1900.)

Section 2.

(1) "Forest Officer" means any person appointed by name or as holding an office, by or under the orders of the Government, to be a Conservator, Depuy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest Ranger, Forester, Forest Guard or Watcher, or to discharge any function of a Forest Officer under this Regulation or any rule thereunder: Forest Officer.

(2) "District Forest Officer" means the chief Forest Officer of a district, or of a portion of a district if in independent charge of such portion. District Forest Officer.

(3) "Tree" includes stumps, palms, bamboos, canes, and brushwood: Tree.

(4) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not: Timber.

(5) "Forest produce" includes— Forest produce.

(*a*) the following, whether found in or brought from a forest or not, that is to say, timber, charcoal, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams, and

(*b*) the following whether found in or brought from a forest, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants,

(iii) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface-soil, rock and minerals, including limestone, laterite, mineral oils, and all products of mines or quarries:

(6) "Forest offence" means an offence punishable under this Regulation or any rule issued thereunder: Forest offence.

(7) "Cattle" includes also elephants, camels, buffaloes, horses mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: Cattle.

(8) "River" includes also streams, canals, creeks and other channels, natural or artificial: River.

(9) "Land at the disposal of Government" means land in respect of which no person has acquired— Land at the disposal of Government.

(*a*) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force; or

(*b*) any right created by grant or lease made or continued by, or on behalf of, Government:

Magistrate. (10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by Government to try forest offences:

State Forest. (11) "State Forest" means any land settled and notified as such in accordance with the provisions of Chapter II of this Regulation:

Village Forest. (12) "Village Forest" means any land notified as such in accordance with the provisions of Chapter III of this Regulation:

District Forest. (13) "District Forest" includes all land at the disposal of Government not included within the limits of any State or Village Forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purpose:

Provided that it shall be competent for Government to modify or set aside such assignment and constitute any such land a State, Village or District Forest, or devote the same to any other purpose it may deem fit.

CHAPTER II.—STATE FORESTS.

Power to constitute State Forests. **3.** Any land at the disposal of Government may be constituted a State Forest in the manner hereinafter provided.

Notification by Government. **4.** Whenever it is proposed to constitute any land a State Forest, the Government shall publish a notification in the official Gazette—

(*a*) specifying as nearly as possible the situation and limits of such land;

(*b*) declaring that it is proposed to constitute such land a State Forest; and

(*c*) appointing an officer (hereinafter called "the Forest Settlement Officer") to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favor of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this chapter.

The officer appointed under clause (*c*) of this section shall ordinarily be a person other than a Forest Officer; but a Forest Officer may be appointed by the Government to assist the Forest Settlement Officer in the inquiry prescribed by this Chapter.

Proclamation by Forest Settlement Officer.

5. When a notification has been published under section 4, the Forest Settlement Officer shall publish, in Kanarese, in the official Gazette and at the head-quarters of each taluk in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(*a*) specifying as nearly as possible the situation and limits of the proposed forest;

(*b*) setting forth the substance of the provisions of section 6;

(*c*) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a State Forest; and

(*d*) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section 4, either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right or claim, and in either case to produce all documents in support thereof.

Bar of accrual of forest rights.

6. (1) During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be a State Forest as hereinafter provided, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right, or power to create such right, was vested when the proclamation was published; and, on such land no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided. No right of occupancy shall, without the previous sanction of Government, be granted in respect of such land, and every right of occupancy granted without such sanction shall be null and void.

(2) Nothing in this section shall be deemed to prohibit any act done under the written permission of the Forest Settlement Officer.

(3) No Civil Court shall, between the dates of publication of the notification under section 4 and of the final notification to be issued under section 17, entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification under section 4.

Enquiry by Forest Settlement Officer.

7. The Forest Settlement Officer shall take down in writing all statements made under section 5 (*d*), and shall, at some convenient place, enquire into all claims duly preferred under that section, and into the existence and extent of any rights mentioned in section 4 (*c*) and not claimed under section 5 (*d*), so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

The Forest Settlement Officer shall, at the same time, consider and record any objection which the Forest Officer, if any, appointed to assist him may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

Powers of Forest Settlement Officer.

8. For the purposes of such enquiry the Forest Settlement Officer may exercise the following powers:—

(i) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(ii) the powers of a Civil Court in the trial of suits.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 5, and of the existence of which no knowledge has been acquired by enquiry under section 7, shall be extinguished unless, before the final notification under section 17 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 5 (*d*), in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

Power to acquire land over which right is claimed.

10. In the case of a claim to a right in or over any land (other than a right of way or pasture or a right to forest produce or water), or in respect of any building standing on such land, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

If such claim is admitted in whole or in part, the Forest Settlement Officer shall either—

(1) exclude such land or building from the limits of the proposed State Forest, or

(2) come to an agreement with the owner for the surrender of his rights, or

(3) proceed to acquire such land in the manner provided by the Mysore Land Acquisition Regulation, 1894.

For the purpose of so acquiring such land or buildings—

(*a*) the Forest Settlement Officer shall be deemed to be a Deputy Commissioner proceeding under the Mysore Land Acquisition Regulation, 1894;

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Regulation,

(*c*) the provisions of the preceding sections of that Regulation shall be deemed to have been complied with; and

(*d*) the Forest Settlement Officer with the consent of the claimant, or the Court (as defined in the said Regulation) with the consent of the claimant and the Deputy Commissioner of the District, may award compensation in land, or partly in land and partly in money.

Order on claims to rights of way or pasture or to forest produce or water.

11. In the case of a claim to rights of way or pasture or to forest produce or water, the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same in whole or in part.

Record to be made where claim is admitted.

12. If the Forest Settlement Officer admits in whole or in part any claim under section 11, he shall record the extent to which the claim is so admitted, specifying—

(*a*) in the case of rights of way, by whom they may be enjoyed, the width of way, and whether for cart traffic or for men and cattle only, and the conditions, if any, attached to the right;

(*b*) in the case of pasturage, the number and description of cattle which the claimant is from time to time entitled to grazed in the forest, the season during which such pasturage is permitted, and any conditions attached to the right;

(*c*) in the case of forest produce, the quantity of timber or other forest produce which the claimant is entitled to take or receive, whether the benefit of such timber or other forest produce may be leased, sold or bartered, and such other particulars as may be necessary in order to define the nature, incidents and extent of the right; and

(*d*) in the case of water, by whom and for what purposes the water may be utilized, and any conditions attached to its use.

Exercise of admitted rights.

13. After making such record, the Forest Settlement Officer shall pass such orders as will, as far as possible, ensure the continued exercise of admitted rights.

For this purpose the Forest Settlement Officer may—

(*a*) provide some other reasonably convenient right of way; or

(*b*) set out some other forest tract of sufficient extent, and in a locality reasonably convenient, for the exercise of rights to pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent; or

(*c*) so alter the limits of the proposed State Forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purposes of the claimants with regard to pasturage or other forest produce. Land so excluded may be either outside the boundaries of the forest as finally settled or within them, in which latter case it shall be demarcated and notified as an enclosure within which the rules relating to State Forests shall not apply; or

(*d*) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons, within such portions of the proposed State Forests, and under such rules, as may from time to time be prescribed by Government to ensure the continuance but non-abuse of such rights.

Commutation of rights.

14. In case the Forst Settlement Officer finds it impossible, having due regard to the maintenance of the proposed State Forest, to make such settlement under section 13 as shall ensure the continued exercise of the said rights to the admitted extent, he shall (subject to such rules as the Government may from time to time prescribe in this behalf) commute such rights, either by the payment of a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

Appeal from order passed under section 10, 11, 12, 13 or 14.

15. Any person who has made a claim under this chapter or any Forest Officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under Section 10, 11, 12, 13 or 14, prefer an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Government may, by notification in the official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal under section 15.

16. Every appeal under the last foregoing section shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the appellate authority.

Every such appeal shall be heard and determined in the manner prescribed for the time being for the disposal of appeals in matters relating to land revenue; and the order passed on the appeal shall be final, subject only to revision by the Government.

Notification declaring forest State Forest.

17. When the following events have occurred, *viz.*—

(*a*) the period fixed under section 5 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest Settlement Officer; and

(*b*) if such claims have been made, the period fixed by section 15 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate authority; and

(*c*) all proceedings prescribed by sections 10 and 13 have been taken and all lands or buildings (if any) to be included in the proposed State Forest, which the Forest Settlement Officer has under section 10 elected to acquire under the Mysore Land Acquisition Regulation, 1894, have become vested in Government under section 16 of that Regulation;

the Government may publish a notification in the official Gazette specifying the limits of the forest which it is intended to constitute a State Forest and declaring the same to be a State Forest from a date fixed by such notification, subject to the exercise of rights (if any) specified at foot of the said notification.

From the date so fixed such forest shall be deemed to be a "State Forest."

Publication of translation of such notification in neighbourhood of forest.

18. The Deputy Commissioner shall, before the date fixed by such notification, cause a translation thereof in Kanarese to be published in the official Gazette and at the head-quarters of the taluk in which the forest is situated, and in every town and village in the neighbourhood of such forest, in the manner prescribed for the proclamation under section 5.

Power to revise arrangement made under section 13 or 16.

19. The Government may, within five years from the publication of any notification under section 17, revise any arrangement made under section 13, and may, for this purpose, rescind or modify any order made under section 13 or 16, and direct that any one of the proceedings specified in section 13 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 14.

Acquisition of rights over State Forests.

20. No right of any description shall be acquired in or over a State Forest, except by succession or under grant or contract in writing made by or on behalf of the Government or of some person in whom such right or the power to create such right was vested when the notification under section 17 was published.

Alienation of rights in State Forests.

21. Notwithstanding anything contained in section 20, no right continued under section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of Government:

Provided that, when any such right is appendant to any land or building, it may be sold or otherwise alienated with such land or building without such sanction.

The benefit of any right continued under section 13 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under section 16.

Power to stop ways and water-courses in State Forests.

22. Any Forest Officer may, from time to time, with the previous sanction of Government, or of a Forest or other officer authorized by Government in that behalf, stop any public or private way or water-course in a State-Forest.

Provided that for the way or water-course so stopped another way or water-course which, in the opinion of the Government or officer authorized as aforesaid, is equally convenient, already exists or has been provided or constructed.

State Forests constituted previous to the passing of this Regulation.

23. The Government may, by notification in the official Gazette, declare that any forest which has been notified as a State Forest previous to the date on which this Regulation comes into force, shall be a State Forest under this Regulation:

Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been enquired into, settled and recorded in a manner which the Government deems sufficient, the same shall be enquired into, settled and recorded in the manner provided by this Regulation; and, until such enquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

All questions decided, orders issued and records prepared in connection with the constitution of such forest as a State Forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Regulation relating to State Forests shall apply to forests notified under this section.

Penalties for trespass or damage in State Forests.

24. Any person who in a State Forest—

(*a*) trespasses, or pastures cattle, or permits cattle to trespass, or

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber, or strips off the bark or leaves from, or otherwise damages any tree or shrub, or

(*c*) poisons or dynamites water, or, in contravention of any rules made by the Government, hunts, shoots, fishes, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

25. Any person who— **Acts prohibited in State Forests.**

(*a*) makes any fresh clearing prohibited by section 6, or

(*b*) sets fire to a State Forest, or, in contravention of any rules made by the Government, kindles any fire, or, leaves any fire burning, in such manner as to endanger such a forest,

or who, in any such forest,

(*c*) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest Officer duly empowered in this behalf may from time to time notify, or

(*d*) fells, cuts, girdles, marks, lops, taps or injures by fire or otherwise any tree, or

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce, or

(*f*) clears or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

26. Nothing in section 24 or section 25 shall be deemed to prohibit— **Acts excepted from sections 24 and 25.**

(*a*) the exercise, in accordance with the rules, if any, made by the Government under section 13, of any right continued under that section, or

(*b*) the exercise of any right created by grant or contract in the manner described in section 20, or

(*c*) any act done with the permission in writing of a Forest Officer duly empowered to grant such permission.

Privileges may be granted in State Forests.

27. The Government may in any State Forest grant such privileges as may be consistent with the due maintenance of the forest; and may, without assinging reason therefor, cancel such grant:

Provided always that all privileges so granted shall previously be specified and recorded by the Deputy Commissioner of the District in the manner provided in section 12:

Provided further that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

Penalty for offences committed by persons having rights in State Forests.

28. Whenever fire is caused wilfully or by gross negligence in a State Forest by any person having rights in such forest or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of section 21, the Government may, notwithstanding the infliction of any punishment under this Regulation, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce shall be extinguished, or for such period as it thinks fit be suspended.

Persons bound to assist Forest Officer and Police Officer.

29. Every person who exercises any right in a State Forest, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every village officer or person in any village contiguous to such forest who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such forest or the commission of, or intention to commit, any forest offence, and shall assist any Forest or Police Officer [a] * * * * [a]

(*a*) in extinguishing any fire occurring in such forest,

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading into such forest,

[b] and shall assist any Forest or Police officer demanding his aid—[b]

(*c*) in preventing the commission in such forest of any forest offence, and,

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

[a-a] The words "demanding his aid" were omitted, and [b-b] these words were inserted in section 29, by Regulation IX of 1901, s. 2.

Sections 30-34.

Power to declare forests no longer State Forests.

30. (1) The Government may, by notification in the official Gazette, direct that, from a date to be fixed by such notification, any forest constituted a State Forest under this Regulation or any portion thereof, shall cease to be a State Forest or portion of a State Forest.

(2) From the date so fixed, such forest or portion shall cease to be of a State Forest or portion of State Forest; but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.—Village Forests.

Constitution of Village Forests.

31. (1) The Government may, by notification in the official Gazette, constitute any land at the disposal of the Government a Village Forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such notification.

(2) Every such notification shall specify the limits of such Village Forest.

Power to make rules for Village Forests.

32. (1) The Government may make rules for regulating the management of Village Forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

(2) The Government may by such rules declare all or any of the provisions of Chapter II of this Regulation to be applicable to Village Forests.

Inquiry into, and settlement of, rights.

33. All claims to any rights other than the rights of the village community or group of village communities for the benefit of which such Village Forest is constituted, shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Regulation.

CHAPTER IV.—District Forests.

Power to grant privileges in District Forests.

34. The Government may, in any District Forest, grant such privileges at it thinks fit in regard to the removal by cultivating ryots or other classes of persons, of forest produce required for prescribed purposes; and may, without assigning reason therefor, cancel such grant: Provided always that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

Section 35.

Power to make rules for District Forests.

35. Subject to all rights now legally vested in individuals and communities, the Government may, for any district or portion of a district, make rules to regulate the use of the forest produce or of the pasturage of any land at the disposal of Government and not included in a State or Village Forest.

Such rules may amongst other things—

(i) declare that certain trees shall be classed as reserved trees not to be felled without the special sanction of the Conservator of Forests or of an officer duly authorized by him;

(ii) declare that certain trees not classed as reserved shall be granted to cultivating raiyats on favorable rates of seigniorage;

(iii) provide for placing any area at the disposal of Government under special protection, in view to its subsequent settlement and constitution as a State Forest or for any other purpose, and prescribe the conditions and penalties attendant on such special protection;

(iv) regulate or prohibit the grant of land and its clearing and breaking up for cultivation or other purposes;

(v) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(vi) regulate or prohibit the felling, cutting, girdling, marking lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion, and removal of trees and timber, and the collection and removal of other forest produce;

(vii) regulate or prohibit the quarrying of stone or gravel, the burning of lime or charcoal, the smelting of ore, or the boiling of catechu;

(viii) regulate or prohibit the cutting of grass and pasturing of cattle, and prescribe the payments (if any) to be made for such cutting or pasturing;

(ix) regulate or prohibit hunting, shooting, beating or driving for game, fishing, poisoning or dynamiting water, and setting traps or snares;

(x) regulate the disposal of timber and other forest produce whether by sale or by free grant;

(xi) prescribe, or authorize the Conservator and the Deputy Commissioner of the district jointly to prescribe, the fees, royalties or other payments for such timber and other forest produce, and the manner in which they shall be levied.

Penalties for acts in contravention of rules.

36. The Government may by such rules prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees, or both.

Provided that the Government may exempt any person or class of persons from the operation of all or any of such rules.

Suspension of rights in cases of fires caused wilfully or by gross negligence.

[a] 36A. Whenever fire is caused wilfully or by gross negligence in any land placed under special protection under clause (iii) of section 35, the Government may (notwithstanding the infliction of any punishment under this Regulation) direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce shall, for such period as it thinks fit, be suspended.

Persons bound to assist Forest officer and Police officer.

[a] 36B. Every person who exercises any right in any land placed under special protection under clause (iii) of section 35, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such land, and every person who is employed by any such person in such land and every village officer or person in any village contiguous to such land who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such land or the commission of, or intention to commit, any forest offence, and shall assist any Forest or Police Officer—

(*a*) in extinguishing any fire occurring in such land,

(*b*) in preventing any fire which may occur in the vicinity of such land from spreading into such land,

and shall assist any Forest or Police Officer demanding his aid—

(*c*) in preventing the commission in such land of any forest offence, and

(*d*) when there is reason to believe that any such offence has been committed in such land, in discovering and arresting the offender.

CHAPTER V.—Control of Forest Produce in Transit.

Power to make rules to regulate transit of forest produce

37 (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all forest produce in transit by land or water, is vested in the Government, which may make rules to regulate the transit of any forest produce.

(2) Such rules may, among other matters,

[a] Sections 36 A and 36 B were inserted by Regulation IX of 1901, s. 3.

Section 37.

(*a*) prescribe the routes by which alone forest produce may be imported into, exported from, or moved within, the territories to which this Regulation extends;

(*b*) prohibit the import, export, collection, or moving of forest produce without a pass from an officer authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(*c*) provide for the issue, production and return of such passes;

(*d*) fix, or authorize any Forest officer, subject to the control of the Government, to fix, the fees payable for such passes;

(*e*) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government;

(*f*) provide for the stoppage, reporting. examination and marking of forest produce in transit in respect of which there is reason to believe that any money is payable to the Government, or to which it is desirable, for the purposes of this Regulation, to affix a mark;

(*g*) establish revenue stations or depots to which forest produce is to be taken by the persons in charge of it for examination, or for the realisation of such money, or in order that such mark may be affixed to it, and prescribe, or authorize a Forest Officer, subject to such control as aforesaid, to prescribe, the conditions under which forest produce is to be brought to, stored at, and removed from, such revenue stations or depots;

(*h*) provide for the management and control of such revenue stations or depots and for regulating the appointment and duties of persons employed thereat;

(*i*) authorize the transport of timber across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber;

(*j*) prohibit the closing up or obstruction of the channel, or banks of any river used for the transit of forest produce and the throwing of grass, brushwood, branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel;

(*k*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal from the person causing such obstruction;

(*l*) prohibit absolutely, or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or super-marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber; and

(*m*) regulate the use of property marks for timber and the registration of such marks, authorize the refusal or cancellation of the registration of any property marks, prescribe the time for which the registration of property marks is to hold good, limit the number of such marks which may be registered by any one person and provide for the levy of fees for such registration.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

Penalties for breach of rules under the last foregoing section.

38. (1) The Government may, by a rule under the last foregoing section, attach to the breach of any rule under that section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) In cases where the offence is committed after sunset and before sunrise or after preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Court may inflict double the penalty prescribed for such offence.

CHAPTER VI.

Collection of Drift, Stranded, and other Timber.

Certain kinds of timber to be deemed the property of Government until title thereto prove

39. (1) Timber falling under any of the following descriptions, namely:—

(*a*) timber found adrift, beached, stranded, or sunk;

(*b*) timber bearing marks which have not been registered under rules made under section 37;

(*c*) timber which has been supermarked, or on which marks have been obliterated, altered, or defaced by fire or otherwise; and

(*d*) in such areas as the Government directs, all unmarked timer,

shall be deemed to be the property of the Government unless and until any person establishes his right thereto as provided in this chapter.

(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same, and may be brought to such stations as a Forest Officer specially empowered in this behalf may, from time to time, notify as stations for the reception of drift timber.

(3) The Government may, by notification in the official Gazette, exempt any class of timber from the provisions of this section and withdraw such exemption.

Notice to claimants of timber of these kinds.

40. (1) Public notice shall, from time to time, as occasion may require, be given by a Forest Officer specially empowered in this behalf of timber collected under the last foregoing section.

(2) Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

41. (1) When any such statement is presented as aforesaid, the Forest Officer may, after making such enquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation against the Government or against any Forest Officer on account of such rejection or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil Court until it has been delivered or a suit brought under this section has been decided.

Disposal of unclaimed timber.

42. Where no statement is presented in the manner and within the period prescribed by notice issued under section 40, or where, such statement having been so presented and the claim rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 41, the ownership of such timber shall vest in the Government free from all encumbrances or when such timber has been delivered to another person under section 41 in such other person free from all encumbrances not created by him.

Payments to be made by claimant before timber is delivered to him.

43. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until such sum as may be due for salving, collecting, moving, storing, and disposing of the timber has been paid by him to the Forest Officer or other person entitled to receive the same.

Power to make rules and prescribe penalties.

44. (1) The Government may make rules to regulate the following matters, namely:—

(*a*) the salving, collection, and disposal of all timber mentioned in section 39;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber; and

(*d*) the use and registration of hammers and other implements to be used for marking such timber.

(2) The Government may, by a rule under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VII.—Penalties and Procedure.

Seizure of property liable to confiscation.

45. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, carts and cattle used in the commission of such alleged offence, may be seized by any Forest Officer or Police Officer.

(2) Every officer seizing any property under this section shall place on such property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the person accused of the offence on account of which the seizure has been made:

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his offical superior.

Procedure on receipt by Magistrate of report of seizure.

46. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Forest produce, tools, &c., when liable to confiscation.

47. (1) When any person is convicted of a forest offence, all forest produce which is not the property of the Government, and in respect of which such offence has been committed, and all tools, boats, carts and cattle used in the commission of such offence, shall be liable, by order of the convicting Court, to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for Forest offence, of produce in respect of which it was committed.

48. When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of the Government, or has been confiscated, be taken possession of by a Forest Officer duly empowered in this behalf, and, in any other case, shall be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

49. (1) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed, to be confiscated and taken possession of by a Forest Officer duly empowered in this behalf, or to be made over to such Forest Officer or other person as the Magistrate may consider entitled to the same:

Provided that no such order shall be made till the expiration of one month from the date of the seizure of such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under sub-section (1) to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in any way which he may think fit.

Procedure as to perishable property seized under section 45.

50. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 45 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Appeal from orders under sections 47, 48 and 49.

51. Any person claiming to be interested in property seized under section 45 may, within one month from the date of any order passed by a Magistrate under section 47, 48 or 49, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Vesting of confiscated property in Government.

52. When an order for the confiscation of any property has been passed under section 47 or 49 and the period limited by section 51 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government free from all encumbrances.

Saving of power to release property seized.

53. Nothing hereinbefore contained shall be deemed to prevent any Forest Officer or other Officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under section 45 which is not the property of Government, and the withdrawal of any charge made in respect of such property.

Punishment for wrongful seizure.

54. (1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

55. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,—

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree is the property of the Government or of some person or that it may lawfully be felled or removed by some person, or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest Officers, or

(*c*) alters, defaces, or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest Officer, or

(*d*) alters, moves, destroys, or defaces any boundry mark of any forest or waste land to which any provisions of this Regulation apply,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

56. (1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest Police Station.

Power to prevent commission of offence.

57. Every Forest Officer and every Police Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest offence.

Operation of other laws not barred.

58. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation or the rules made thereunder.

Provided that no person shall be punished twice for the same offence.

Power to compound offences.

59. (1) The Government may, by notification in the official Gazette, empower a Forest Officer by name, or as holding an office,—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence other than an offence specified in section 54 or section 55, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(*b*) when any property has been sized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no other proceedings shall be taken against such person or property.

(3) No Forest Officer shall be empowered under this section, unless he is of a rank not inferior to that of Forest Ranger and is in receipt of a monthly salary of not less than seventy rupees, and the sum of money accepted as compensation under sub-section (1) clause (*a*), shall in no case exceed fifty rupees.

(4) The officer accepting such compensation shall in all cases record proceedings setting forth the circumstances and amount of compensation accepted, and a copy thereof shall be given to the person paying the compensation, and another submitted with the least possible delay to the officer's immediate official superior. The amount of compensation received shall be credited to Government without undue delay.

Presumption that forest produce belongs to Government.

60. When in any proceedings taken under this Regulation, or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property o Government, such forest produce shall be deemed to be the property of Government, until the contrary is proved.

Compensation for damage caused by commission of offences.

61. (1) When any person is convicted of felling, cutting, girdling, marking, lopping, or tapping trees, or of injuring them by fire or otherwise, in contravention of this Regulation or of any rule thereunder, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the Government such compensation, not exceeding ten rupees for each tree with respect to which the offence was committed, as it deems just.

(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting Court may, unless, after hearing that other person, it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (1).

(3) An appeal from any order under sub-section (1) or sub-section (2) shall lie to the Court to which orders made by the

convicting Court are ordinarily appealable, and the order passed on such appeal shall be final.

Forfeiture of leases.

62. When the holder of any lease, license, or contract whatsoever granted or continued by or on behalf of the Government for any of the purposes of this Regulation commits an offence against this Regulation or any rule thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, license, or contract, and the Government is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any wilful neglect or default on his part, the Government may, by order in writing, declare the lease, license, or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order.

CHAPTER VIII.—CATTLE TRESPASS.

Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, to apply.

63. Cattle trespassing in a State or Village Forest, or in a District Forest contrary to the provisions of section 35 and the rules made thereunder, shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871*, as amended by Regulation VIII of 1892, and may be seized and impounded as such by any Forest Officer or Police Officer.

Power to alter fines fixed by that Act.

64. The Government may, by notification in the official Gazette, direct that, in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871*, as amended by Regulation VIII of 1892, there shall be levied for each head of cattle impounded under section 63 of this Regulation such fines as it thinks fit but not exceeding the following, namely:—

	Rs.	a.	p.
For each elephant	10	0	0
For each buffalo or camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	0	8	0

CHAPTER IX.—FOREST OFFICERS.

Investiture of Forest Officers with certain powers.

65. (1) The Government may invest any Forest Officer by name, or as holding an office, with all or any of the following powers, namely:—

* See Mysore Code, Vol I, pp. 204-215, for Act I of 1871, as amended by Regulation VIII of 1892.

(*a*) power to enter upon any land and to survey, demarcate, and make a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue search-warrants under the Code of Criminal Procedure;

(*d*) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence;

(*e*) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State Forest;

(*f*) power to grant any permission referred to in sections 26 and 37;

(*g*) power to notify stations for the reception of drift timber;

(*h*) power to give public notice of timber collected under section 39;

(*i*) power to take possession of property under this Regulation;

(*j*) power to direct the release of property or withdrawal of charges;

and may withdraw any power so conferred.

(2) Any evidence recorded under clause (*d*) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356, or section 357 of the Code of Criminal Procedure.

Forest Officers deemed public servants.

66. All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Indemnity for acts done in good faith.

67. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Regulation.

Forest Officers not to trade.

68. No Forest Officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in Mysore or in foreign territory.

CHAPTER X.—SUPPLEMENTAL PROVISIONS.

Forest rights of Inamdars entitled to timber and sandalwood.

69. (1) All inamdars who, by the terms of their sannads, or by judicial decision, are entitled to the timber and sandalwood in their inam villages, may fell and sell without previous reference any such timber, excepting sandalwood.

(2) The Conservator of Forests may cause any sandalwood growing in such inam lands to be cut and sold on behalf of the inamdars under such rules as may, from time to time, be made by the Government.

Forest rights of Inamdars not entitled to timber and sandalwood.

70. Inamdars who are not entitled by sannads or by judicial decision to the timber and sandalwood growing on their inam lands may cut and sell all wood, with the exception of teak and sandal, growing on such lands.

Removal of forest produce from inam lands.

71. No trees, wood or timber or other forest produce shall be removed from inam lands without a pass, to be obtained under such rules as the Government may, from time to time, make; provided that no payment shall be made for such passes.

Sandalwood the exclusive property of Government.

72. All sandal trees in Mysore shall be the exclusive property of Government, unless the same be situated in an area in which the Government may have expressly alienated its right to sandalwood.

Responsibility of occupants and holders for preservation of sandal trees.

73. (1) Every occupant or holder of land shall be responsible for the due preservation of all sandal trees growing thereon, and shall, in the event of an injury to any such tree from whatever cause at once report such fact to the nearest local Revenue Officer.

(2) Any occupant or holder who fails to report any such case of injury as aforesaid, or to prove to the satisfaction of a Revenue Officer not lower in rank than an Amildar or Deputy Amildar, that such injury was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation or with his connivance, shall, notwithstanding any other penalty to which he may be liable, be liable to pay to Government such compensation on account of such injury as to such Revenue Officer may seem reasonable.

Penalty for offence in regard to sandalwood.

74. In any case of a forest offence having reference to the cutting, uprooting or removal of, or damage to, a sandal tree or part of a sandal tree belonging to Government, the maximum penalty to which the offender is liable under any other section of this Regulation shall be doubled.

Sections 75-80.

Regulation of the manufacture of sandalwood oil.

75. No person shall manufacture or distil oil from sandalwood without a license in that behalf to be granted by such authority and subject to such restrictions and conditions as the Government may from time to time prescribe.

Additional powers to make rules.

76. The Government may make rules consistent with this Regulation—

(*a*) to declare by what Forest Officer or class of Forest Officers the powers or duties conferred or imposed by or under this Regulation on a Forest Officer are to be exercised or performed;

(*b*) to regulate the procedure of Forest Settlement Officers;

(*c*) for the preservation, re-production and disposal of forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons;

(*d*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this regulation or from the public treasury; and

(*e*) generally, to carry out the objects and purposes of this Regulation.

Rules when to have force of law.

77. All rules made by the Government under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

Penalties for breach of rules.

78. Any person breaking any rule under this Regulation for the breach of which no special penalty is provided, shall be liable on conviction to imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

Recovery of money due to Government.

79. All money, other than fines, payable to the Government under this Regulation, or under any rule made thereunder, or on account of the price of any forest produce, or of expenses incurred in the execution of this Regulation in respect of such forest produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue.

Lien on forest produce for such money.

80. (1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce; and such produce may be taken possession of by a Forest Officer duly empowered in this behalf, and may be retained by him until such amount has been paid.

Power to sell such produce.

(2) If such amount is not paid when due, such Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of sale by the person entitled thereto, shall be forfeited to the Government.

Government and its officers not liable for loss or damage in respect of certain forest produce.

81. The Government shall not be responsible for any loss or damage which may occur in respect of any forest produce while at a revenue station or depot, established under section 37, sub-section (2), clause (*g*), or while detained elsewhere for the purposes of this Regulation; and no Forest Officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

All persons bound to aid in case of accident at station or depot.

82. In case of any accident or emergency involving danger to any property at any such station or depot, every person employed at such station or depot, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger and securing such property from damage or loss.

Land required under this Regulation to be deemed to be needed for a public purpose under the Land Acquisition Regulation.

83. Whenever it appears to the Government that any land is required for any of the purposes of this Regulation, such land shall be deemed to be needed for a public purpose whithin the meaning of the Land Acquisition Regulation, 1894, section 4.

Recovery of penalties due under bond.

84. When any person, in compliance with any rule under this Regulation, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

REGULATION No. I OF 1901.

(PASSED ON THE 6TH DAY OF FEBRUARY 1901)

A Regulation to amend the Land Improvement Loans Regulation, 1890.

Whereas, by reason of the omission to issue a Notification under clause (3) of section 1 of the Land Improvement Loans Regulation 1890, appointing a date on which the said Regulation should come into force, questions might arise as to the validity of rules and orders already issued and proceedings already taken under the said Regulation; and whereas it is expedient by legalising the same to set all such questions at rest; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. For clause (3) of section 1 of the Land Improvement Loans Regulation, 1890, the following shall be deemed to have been substituted at the time of the passing thereof, namely:—

"(3) It shall come into force on the date of the passing thereof."

REGULATION No. II OF 1901.

(PASSED ON THE 8TH DAY OF APRIL 1901.)

A Regulation to prevent the indiscriminate destruction of Wild Animals and Birds, and to provide for the protection of Game and Fish in Mysore.

Preamble. Whereas it is expedient to prevent the indiscriminate destruction of wild animals and birds, and to provide generally for the protection of game and fish in Mysore, Her Highness the Maharani-Regent is pleased to enact as follows:—

Short Title. **1.** (1) This Regulation may be called the "Mysore Game and Fish Preservation Regulation, 1901."

Extent and commencement. (2) It shall extend to such local areas as may from time to time be specified by Government by notification in the Official Gazette.

(3) And it shall come into force at the end of six months from the date of its publication in the Official Gazette.*

"Game" defined. **2.** In this Regulation, "Game" means antelope, ibex, jungle-sheep, sambhar and all other descriptions of deer, bison, hares, jungle-fowl, spur-fowl, pea-fowl, partridge, grouse, quail, woodcock, bustard, florican, duck and teal, and shall include such other animals and birds as the Government of Mysore may, by notification in the Official Gazette, declare to be Game.

Absolute protection of particular classes other than "Game." **3.** The Government of Mysore may, from time to time, by notification in the Official Gazette, prohibit absolutely the killing or capture of any specified kinds of animals or birds, the killing or capture of which the Government may consider unsportsmanlike or otherwise inexpedient, provided that such animals or birds do not come under the definition of "Game" for the time being in force.

Limited protection of particular classes killed for commercial purposes. **4.** Whenever the Government of Mysore has reason to believe that any particular kinds of wild animals or birds, whether included in the definition of "Game" or not, are being largely destroyed for the sake of their skins, horns or plumage for commercial or other purposes, it may, by notification in the Official Gazette,

(*a*) prohibit the killing or capture of such particular kinds except under and in accordance with the conditions of a license, granted by such officer and in such form as the Government may prescribe in this behalf, and

* Regulation II of 1901 was first published in the Mysore *Gazette* dated 11th April 1901, Part III.

(*b*) prohibit the killing or capture of such particular kinds either during a defined period of time, or within a defined area, or both.

Regulation of fishing.

5. (1) The Government of Mysore may from time to time, by notification in the Official Gazette, make rules for the regulation and control of fishing in any stream or lake, and may, from time to time, amend or cancel any rule so made.

(2) Rules under this section may, among other matters, prohibit the poisoning of the water of any stream or lake, and prohibit or regulate the placing or throwing of any explosive or deleterious substance therein, and the use, for the capture of fish, of fixed engines and nets of a mesh below a certain size.

Close season and protection of game and fish.

6. The Government of Mysore may, from time to time, by notification in the Official Gazette,

(1) fix a season or seasons in every year during which it shall not be lawful for any person within any specified local area to kill or capture, or attempt to kill or capture, game or fish of any specified kind;

(2) prohibit altogether, for any period not exceeding five years, within any specified local area, the killing or capture of game or fish of any specified kind;

(3) prohibit absolutely the killing or capture of the mature females or immature males or females of any specified kinds of game, or the taking out or destruction of the eggs of game birds;

(4) prohibit or regulate the setting of nets, snares, traps, or spring-guns, the laying of poison or poisonous ingredients or preparations, or the digging of pits, to entrap or kill game or any specified kinds of game;

(5) regulate or prohibit, except under, and in accordance with, the conditions of a license granted as provided by rules to be framed by the Grovernment, the capture and killing of game or of any specified kinds of game;

and may, from time to time, amend or cancel such notification.

Provided that no such notification shall have effect until one month from the date of its first publication in the Official Gazette.

Rules about the sale of game and fish.

7. The Government of Mysore may, from time to time, by notification in the Official Gazette, make rules regulating the sale of game and fish within any specified local area.

Penalty for certain offences.

8. Any person who wilfully kills, captures or sells, or attempts to kill, capture or sell, any animal, bird, game or fish or does any other act, in contravention of this Regulation, or of

any rules or notification under this Regulation, or in contravention of any condition contained in a license granted under this Regulation or under the rules made thereunder, shall be liable on conviction to fine not exceeding one hundred rupees.

Disposal of killed or captured game or fish, or weapons, &c., belonging to offender convicted under section 8.

9. When any person is convicted of an offence punishable under this Regulation, the convicting Court or Magistrate may direct that the whole or any portion of any animal, bird, game or fish, killed or captured by such person and of all weapons, implements and dogs used in and for the purpose of aiding the commission of such offence, shall be confiscated, and any license granted under this Regulation to such person may be cancelled by the officer who granted such license.

Fees, fines, &c., realized under Regulation. Rewards to informants.

10. Subject to such rules as the Government of Mysore may from time to time prescribe, all fees and fines levied, and sums realized by the sale of property confiscated under this Regulation, shall be paid into the public treasury. But the convicting Court or Magistrate may award to any person or persons on whose information the conviction was obtained, the whole or any portion of any fine imposed or of any sum realized as aforesaid.

Power to Forest and other officers to make arrests of offenders under this Regulation.

11. Any Forest Officer and any other Officer or person empowered in this behalf by the Government of Mysore or by a subordinate Revenue authority to which the Government may have delegated its authority for the purpose, may arrest without a warrant any person who commits in his view any offence punishable under this Regulation or the rules thereunder, and who, on demand, refuses to give his name and address or gives a name and address which there is reason to believe is false.

Exception

12. Nothing in this Regulation shall be deemed to prevent any owner or occupier of land from killing, capturing or pursuing game doing damage to any crop growing thereon, so far as the same may be necessary for the protection of the crop.

REGULATION No. III OF 1901.

(PASSED ON THE 12TH DAY OF MAY 1901.)

A Regulation to further amend the Mysore Civil Courts Regulation, I of 1883.

Preamble.

Whereas it is expedient to provide for Subordinate Judges being invested, when deemed necessary, with jurisdiction without any limit as to amount or value of the subject-matter in original suits and proceedings of a civil nature, not otherwise exempted from their cognizance, and with power to entertain appeals direct from the decrees and orders of Munsiffs; Her Highness the Maharani-Regent is pleased to enact as follows:—

Addition to proviso to section 9 of Regulation I 1883.

1. To the proviso to section 9 of the Mysore Civil Courts Regulation, 1883, as amended by Regulations V of 1892, VI of 1894, and II of 1898, the following words shall be added, namely:—

"or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject-matter."

Addition to section 14 of the said Regulation.

2. To section 14 of the said Regulation, the following words shall be added, namely:—

"And provided further that, notwithstanding anything contained in section 14 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, the Government may from time to time, by notification in the Official Gazette, direct that appeals from the decrees and orders of a Munsiff or Munsiffs within an area to be specified in such notification, shall lie direct to any such Subordinate Judge."

REGULATION NO. IV OF 1901.

(PASSED ON THE 12TH DAY OF MAY 1901.)

A Regulation to further amend the Mysore Military Regulation, 1899, as amended by Regulation No. V of 1900.

Preamble. Whereas it is expedient to further amend the Mysore Military Regulation, 1899, as amended by Regulation V of 1900; Her Highness the Maharani-Regent is pleased to enact as follows :—

Addition to paragraph 11 of Regulation II of 1899. 1. In paragraph 11 of the said Regulation, after the figure and word "6 strokes of a cane," the words "fines not exceeding a day's pay for each offence" shall be added.

THE MYSORE EXCISE REGULATION, 1901.

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REGULATION No. V OF 1901.

(PASSED ON THE 5TH DAY OF AUGUST 1901.)

A Regulation to consolidate and amend the Excise Law of Mysore.

Preamble. Whereas it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

I.—PRELIMINARY AND DEFINITIONS.

Short title. **1.** This Regulation may be cited as "The Mysore Excise Regulation, 1901."

Extent. It extends to the whole of Mysore;

Commencement. And it shall come into force from such date * as the Government by notification shall direct.

Repeal. **2.** From the date on which this Regulation comes into force, the Excise Act, 1881, as amended by Act II of 1885 and extended to Mysore by Regulation III of 1885, shall be repealed.

Provided that all licenses and leases granted under the said enactment in force on the date on which this Regulation comes into force in Mysore shall continue in force for the periods for which the same have been respectively granted, subject to the provisions of that enactment:—

Provided further that the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, efore this Regulation comes into force.

Interpretation **3.** In this Regulation, unless there be something repugnant in the subject or context—

"Excise revenue." (1) "Excise revenue" means revenue derived or derivable from any duty, fee, tax, rent, fine or confiscation imposed or ordered under the provisions of this Regulation, or of any other law for the time being in force relating to liquor or intoxicating drugs.

"Excise officer." (2) "Excise officer" means the Excise Commissioner, a Deputy Commissioner, or any officer or other person lawfully appointed or invested with powers under section 4 or 5.

"Excise Commissioner." (3) "Excise Commissioner" means the officer appointed by the Government under section 4, clause (*a*).

* Regulation No. V. of 1901 came into force on the 15th September 1901. *See Notification No. 2505-C—Legis. 9 dated the 6th August 1901.*

Section 3.

(4) "Deputy Commissioner" means a Deputy Commissioner of a District, or any person appointed under section 4, clause (*b*), to exercise all the powers or to perform all the duties of a Deputy Commissioner under this Regulation. "Deputy Commissioner."

(5) "Excise Inspector" means an officer appointed under section 4, clause (*d*). "Excise Inspector."

(6) "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code. "Imprisonment."

(7) "Toddy" means fermented or unfermented juice drawn from a cocoanut, palmyra, date, bagani (bastard sago) or any other kind of palm tree. "Toddy."

(8) "Spirits" means any liquor containing alcohol and obtained by distillation. "Spirits."

(9) "Liquor" includes spirits of wine, methylated spirits, spirits, wine, toddy, beer and all liquid consisting of or containing alcohol. "Liquor."

(10) "Beer" includes ale, stout, porter, and all other fermented liquors usually made from malt. "Beer."

(11) "Country liquor" means liquor manufactured in Mysore or in any part of India, Batavia or Ceylon. "Country liquor."

(12) "Foreign liquor" includes all liquor other than country liquor. "Foreign liquor."

Provided that in any case in which doubt may arise the Government may declare by notification what for the purposes of this Regulation shall be deemed to be "country liquor" and what "foreign liquor."

(13) "Intoxicating drug" includes ganja, bhang and every preparation and admixture of the same, and every intoxicating drink or substance prepared from any part of the hemp plant (*Cannabis Sativa* or *Indica*), from grain or from other material and not included in the term "liquor," but does not include opium or anything included within the meaning of that word as defined in the Indian Opium Act, 1878.* "Intoxicating drug."

(14) "Sale" or "selling" includes any transfer otherwise than by way of gift. "Sale" or "selling."

(15) "Import" means to bring into Mysore from any place beyond the limits of Mysore. "Import."

(16) "Export" means to take out of Mysore to any place beyond the limits of Mysore. "Export."

* See Mysore Code, Vol. I, p. 453.

'Transport." (17) "Transport" means to move from one place to another within Mysore, whether the intervening area lie wholly within Mysore or not.

"Manufacture." (18) "Manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced or prepared, and also re-distillation and every process for the rectification of liquor.

"Rectification." (19) "Rectification" includes every process whereby spirits are purified or are colored or flavored by mixing any material therewith.

"Place." (20) "Place" includes also a house, building, shop, tent and vessel.

II.—ESTABLISHMENT AND CONTROL.

4. The Government may, from time to time, by notification –

Government may appoint Excise officer to control administration of Excise Department; (*a*) appoint an officer, who shall exercise all the powers of a Deputy Commissioner in respect of the Excise revenue and who shall have the control of the administration of the Excise Department and of the collection of the Excise revenue;

may appoint special officers of excise revenue; (*b*) appoint any person other than the Deputy Commissioner of a District to exercise all or any of the powers and to perform all or any of the duties of a Deputy Commissioner in respect of the Excise revenue, either concurrently with or in exclusion of the Deputy Commissioner of a District, subject to such control as the Government may from time to time direct;

may withdraw excise powers from Deputy Commissioners of Districts; (*c*) withdraw from the Deputy Commissioner of a District any or all of his powers in respect of the Excise revenue;

may appoint officers to take action under sections 40 to 53; (*d*) appoint officers to perform the acts and duties mentioned in sections 40 to 53 inclusive of this Regulation;

may appoint subordinate officers; (*e*) appoint subordinate officers of such classes and with such designations, powers, and duties under this Regulation as the Government may think fit;

may appoint any officer or other person to act as above; (*f*) order that all or any of the powers and duties assigned to any officers under clauses (*d*) and (*e*) of this section shall be exercised and performed by any officer or any person;

and may delegate any of its powers to Excise officer. (*g*) delegate to any Excise officer all or any of its powers under this Regulation.

Rules for guidance of Excise offiers.

5. The Government may from time to time make rules—

(1) prescribing the powers and duties under this Regulation to be exercised and performed by Excise officers of the several classes; and

(2) regulating the delegation by the Excise Commissioner, or by Deputy Commissioners, of any powers conferred by this Regulation or exercised in respect of Excise revenue under any Regulation for the time being in force.

III.—Import, Export and Transport.

Import of liquor or intoxicating drug.

6. Subject to the orders of the Government, the Deputy Commissioner may, from time to time, permit the import of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under this Regulation, and on such other terms as he thinks fit, and may cancel such permission.

Export of liquor or intoxicating drug.

7. Subject to the orders of the Government, the Deputy Commissioner may, from time to time, permit the export of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under this Regulation, and on such other terms as he thinks fit, and may cancel such permission.

Sections 6 and 7 not to affect certain laws and powers of Government.

8. Nothing in the last two preceding sections shall be deemed to affect any law for the time being in force which empowers the Government to prohibit or restrict the importation of liquor or of intoxicating drugs or which empowers the Government to exempt any liquor or intoxicating drug from the whole or any part of the duties to which it is liable under any law for the time being in force.

Prohibition of transport of liquor.

9. The Government may, from time to time, by notification, prohibit the transport of liquor or of intoxicating drugs, or of any kind of liquor or intoxicating drugs, from any local area into any other local area.

Transport of liquor or intoxicating drug.

10. No liquor or intoxicating drug exceeding such quantity as the Government may, from time to time, prescribe by notification, either generally for the whole of Mysore or for any local area, shall be transported except under a permit issued under the provisions of the next following section.

Provided that, in the case of foreign liquor transported for *bona fide* private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Regulation, such permits shall be dispensed with

unless the Government shall by notification otherwise direct with respect to any local area.

Permits for transport.

11. Permits for the transport of liquor or intoxicating drugs may be issued by the Deputy Commissioner or by any person duly empowered in that behalf.

Such permits shall be either general for definite periods and kinds of liquor or intoxicating drugs or special for specified occasions and particular consignments only.

Every permit shall specify—

(*a*) the name of the person authorized to transport liquor or intoxicating drugs;

(*b*) the period for which the permit is to be in force;

(*c*) the quantity and description of liquor or intoxicating drugs for which it is granted;

(*d*) any other particulars which the Government may prescribe.

General permits shall be granted only to persons licensed under this Regulation and shall cover any quantity of liquor transported at any one time within the quantity specified in the permit.

Permits shall extend to and include servants and other persons employed by the grantees and acting on their behalf.

IV.—MANUFACTURE, POSSESSION AND SALE.

Manufacture of liquor or intoxicating drug prohibited except under provisions of this Regulation.

12. No liquor or intoxicating drug shall be manufactured; no hemp plant (*Cannbis Sativa* or *Indica*) shall be cultivated;

no toddy-producing tree shall be tapped;

no toddy shall be drawn from any tree;

no distillery or brewery shall be constructed or worked; and no person shall use, keep, or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any liquor other than toddy or any intoxicating drug;

except under the authority and subject to the terms and conditions of a license granted by the Deputy Commissioner in that behalf, or under the provisions of section 21.

Provided that the Government may by notification direct that in any local area it shall not be necessary to take out a license for the manufacture of liquor for *bona fide* home consumption.

Licenses granted under this section shall extend to and include servants and other persons employed by the licensees and acting on their behalf.

Possession of liquor or intoxicating drugs in excess of quantity prescribed by Government, prohibited.

13. No person not being a licensed manufacturer or vendor of liquor or intoxicating drugs shall have in his possession any quantity of liquor or intoxicating drugs in excess of such quantities as the Government may from time to time prescribe by notification, either generally for the whole of Mysore or for any local area, in respect of any specified description or kind of liquor or intoxicating drug, unless under a license granted by the Deputy Commissioner in that behalf.

Provided that—

No fee to be charged for license for possession for private consumption.

(1) No fee shall be charged for any such license granted for the possession of such liquor or intoxicating drugs for *bona fide* private consumption or use;

Proviso as regards foreign liquor.

(2) Nothing in this section extends to any foreign liquor in the possession of any warehouseman as such, or purchased by any person for his *bona fide* private consumption and not for sale.

Establishment of public distilleries and of warehouses.

14. The Excise Commissioner may with the previous sanction of the Government—

(*a*) establish a public distillery in which liquor or any kind of liquor may be manufactured under a license granted under section 12 on such conditions as the Government deems fit to impose;

(*b*) discontinue any public distillery so established;

(*c*) license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty;

(*d*) establish a public warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty; and

(*e*) discontinue any public warehouse so established.

Public warehouses shall be for the general accommodation of persons desiring to warehouse liquor or intoxicating drugs subject to duty pending removal for local consumption or for export.

Sale of liquor or intoxicating drug without license prohibited. Power to exempt toddy.

15. No liquor or intoxicating drug shall be sold without a license from the Deputy Commissioner, provided that a person having the right to the toddy drawn from any tree may sell the same without a license to a person licensed to manufacture or sell

toddy under this Regulation, and a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Regulation to sell, manufacture or export intoxicating drugs.

Provided also that the Government may, from time to time, by notification, suspend in any local area any or all of the provisions relating to toddy contained in this Regulation.

Provided further that the Government may in like manner declare that any or all of the provisions of this Regulation shall not apply in any local area to trees tapped, or to toddy drawn in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggery.

Exclusive privileges of manufacture, &c., may be granted

16. It shall be lawful for the Government to grant to any person or persons on such conditions and for such period as may seem fit the exclusive or other privilege—

(1) of manufacturing or supplying by wholesale, or

(2) of selling by retail, or

(3) of manufacturing or supplying by wholesale and selling by retail,

any country liquor or intoxicating drugs within any local area.

No grantee of any privilege under this section shall exercise the same until he has received a license in that behalf from the Deputy Commissioner.

In such cases, if the Government shall by notification so direct, the provisions of section 12 relating to toddy and toddy-producing trees shall not apply.

V.—DUTIES.

Duty on liquor or intoxicating drugs.

17. A duty shall, if the Government so direct, be levied on all liquor and intoxicating drugs—

(*a*) permitted to be imported under section 6; or

(*b*) permitted to be exported under section 7; or

(*c*) manufactured under any license granted under section 12; or

(*d*) manufactured at any distillery established under section 14; or

(*e*) permitted under section 11 to be transported; or

(*f*) sold in any part of Mysore;

of such amount as the Government may from time to time prescribe.

Provided that it shall be lawful for the Government to exempt any liquor or intoxicating drug from any duty to which the same may be liable under any of the provisions of this Regulation.

How duty may be imposed.

18. Such duty may be levied in one or more of the following ways:—

(*a*) by duty of excise to be charged in the case of spirits or beer either on the quantity produced in or passed out of the distillery or brewery, as the case may be; or in accordance with such scale of equivalents, calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Government may prescribe;

(*b*) in the case of intoxicating drugs, by a duty to be rateably charged on the quantity produced or manufactured or sold by wholesale;

(*c*) by payment of a sum in consideration of the grant of any exclusive or other privilege—

(1) of manufacturing or supplying by wholesale, or

(2) of selling by retail, or

(3) of manufacturing or supplying by wholesale and selling by retail any country liquor or intoxicating drug in any local area and for any specified period of time;

(*d*) by fees on licenses for manufacture or sale;

(*e*) in the case of toddy, or spirits manufactured from toddy, by a tax on each tree from which toddy is drawn, to be paid in such instalments and for such period as the Government may direct; or

(*f*) by transport-duties assessed in such manner as the Government may direct.

Tax for tapping trees, from whom leviable.

19. When duty is levied by way of tax on toddy-trees under section 18, the Government may by notification direct that the license required under section 12 shall be granted only on the production by the person applying for it of the written consent of the owner, or person in possession, of such trees to the license being granted to such person so applying for it; and when such notification has been issued, such tax shall, in default of payment by the licensee, be recoverable from the owner or other person in possession who has so consented.

When, in like case, trees are tapped without license, the tax due shall be recoverable primarily from the tapper or in default

by him from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees, unless he proves that the trees were tapped without his consent.

Duties may be farmed.

20. All or any of the duties leviable under this Regulation in any local area may, with the sanction of the Government, be farmed, subject to such payment and on such other conditions as the Government shall prescribe. Farmers of duties under this section shall take out licenses as such from the Deputy Commissioner.

Toddy farmer may grant license

21. When the exclusive privilege of manufacturing toddy has been granted under section 16, the Government may declare that the written permission of the grantee to draw toddy shall have, within the area to which the privilege extends, the same force and effect as a license from the Deputy Commissioner for that purpose under section 12.

Farmer may let or assign.

22. In the absence of any contract or condition to the contrary, any grantee of any exclusive or other privilege may let or assign the whole or any portion of his privilege or farm. But no such lessee or assignee shall exercise any rights as such unless and until the grantee or farmer, as the case may be, shall have applied to the Deputy Commissioner for a license to be given to such lessee or assignee, and such lessee or assignee shall have received the same.

Recovery by farmer of rents due to him.

23. It shall be lawful for any such grantee, farmer, lessee or assignee as aforesaid to proceed against any person holding under him for the recovery of any money due to him as if it were an arrear of rent recoverable under the law for the time being in force with regard to land-holder and tenant.

Provided that nothing contained in this section shall affect the right of any such grantee, farmer, lessee or assignee, to recover by civil suit any such amount due to him from any such person as aforesaid.

VI.—LICENSES, &c.

Form and conditions of licenses, &c.

24. Every license or permit granted under this Regulation shall be granted—

(*a*) on payment of such fees, if any;

(*b*) for such period;

(*c*) subject to such restrictions and on such conditions; and

(*d*) shall be in such form and contain such particulars

as the Government may direct either generally, or in any particular instance in this behalf.

Counterpart agreement to be executed by licensees.

25. Every person taking out a license under this Regulation may be required to execute a counterpart agreement in conformity with the tenor of his license, and to give such security for the performance of his agreement as the Deputy Commissioner may require.

Power to recall licensee &c.

26. The Deputy Commissioner may cancel or suspend any license or permit granted under this Regulation,—

(*a*) if any fee or duty payable by the holder thereof be not duly paid; or

(*b*) in the event of any breach by the holder of such license or permit, or by his servants, or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such license or permit; or

(*c*) if the holder thereof is convicted of any offence against this Regulation or any other law for the time being in force relating to Excise revenue, or of any cognizable and non-bailable offence; or

(*d*) where a license or permit has been granted on the application of the holder of an exclusive or other privilege or of a farmer of duties under this Regulation, on the requisition in writing of such person; or

(*e*) if the conditions of the license or permit provide for such cancelment or suspension, at will.

VII.—General Provisions.

Certain licensees required to keep instruments for testing, &c.

27. Every person who manufactures liquor or intoxicating drugs or sells country liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(*a*) to supply himself with such of the prescribed measures for the sale of country liquor and with such of the prescribed instruments for testing the strength of such liquor or with such of the prescribed scales and weights for the sale of intoxicating drugs, as the case may be, as the Deputy Commissioner may direct, and to keep the same in good condition; and

(*b*) on the requisition of any Excise officer duly empowered in that behalf at any time to measure out or to test the strength of any country liquor or to weigh any intoxicating drug in his possession in such manner as the said Excise officer may require.

Recovery of duties, &c.

28. All duties, taxes, fines and fees payable to the Government direct under any of the provisions of this Regulation or of any license or permit issued under it, and all amounts due to the Government by any grantee of a privilege or by any farmer under this Regulation or by any person on account of any contract relating to the Excise revenue, may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of land-revenue, and in the case of default made by a grantee of a privilege or by a farmer, the Deputy Commissioner may take the grant or farm under management at the risk of the defaulter or may declare the grant or farm forfeited and re-sell it at the risk and loss of the defaulter. When a grant or farm is under management under this section, the Deputy Commissioner may recover any moneys due to the defaulter by any lessee or assignee as if they were arrears of land-revenue.

Power to frame rules.

29. The Government may from time to time frame rules—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distil spirits from it, or who use it in the manufacture of bread or of jaggery;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

(*c*) for regulating the number, size and description of stills, untensils, implements and apparatus to be used in any distillery;

(*d*) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(*e*) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(*f*) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor, and the wholesale and retail prices of intoxicating drugs;

(*ff*) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(*g*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(*h*) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(*i*) for the management of any public distillery or public warehouse established under section 14;

(*j*) for regulating the cultivation of the hemp plant (*Cannabis Sativa* or *Indica*);

(*k*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(*l*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drugs;

(*m*) for the grant of batta to witnesses, and of compensation for loss of time to persons released by any Excise officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Regulation and acquitted;

(*n*) regulating the power of Excise officers to summon witnesses from a distance under section 44;

(*o*) for the disposal of articles confiscated and of the proceeds thereof;

(*p*) generally, to carry out the provisions of this Regulation or of any other law for the time being in force and relating to the Excise revenue.

VIII.—Powers and Duties of Officers, etc.

Magistrate may issue search warrant on application

30. If any Magistrate upon information given by any Excise or Police officer or any other person, and after such inquiry as he thinks necessary, has reason to believe that an offence under section 55 or section 57 or section 58 of this Regulation has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed.

Before issuing such warrant, the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Magistrate.

Power to certain Excise and Police officers to search houses, etc., without warrant.

31. Whenever the Excise Commissioner, or a Deputy Commissioner, or any Excise or Police officer not below the rank of Inspector or a Police Station officer, has reason to believe that an offence under section 55 or section 57 or section 58 of this

Regulation has been committed and that the delay occasioned by obtaining a search warrant under the preceding section will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Regulation; and may detain and search and, if he think proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Regulation.

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before an Excise Inspector as the case may be.

Power to enter and inspect places of manufacture and sale.

32. The Excise Commissioner, or a Deputy Commissioner or any Excise officer not below the rank of Sub-Inspector, or any Police officer duly empowered in that behalf, may enter and inspect, at any time by day or by night, any place in which any licensed manufacturer carries on the manufacture of any liquor or intoxicating drug, or draws toddy, or stores any liquor or intoxicating drug or toddy; and may enter and inspect, at any time during which the same may be open, any place in which any liquor or intoxicating drug is kept for sale by any licensed person; and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, liquor, or intoxicating drugs found in such place.

In case of resistance, entry may be made by force, &c.

33. If any officer empowered to make an entry under the provisions of the last two preceding sections cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacle to his entry into any such place.

Offenders may be arrested, and contraband liquor and articles seized, without warrant.

34. Any officer of the Excise, Police, Forest, Land Revenue Sayer or Octori Departments, and any other person duly empowered, may arrest without warrant in any public thoroughfare or open place other than a dwelling house any person found committing an offence punishable under section 55 or section 57 or section 58 of this Regulation; and in any such thoroughfare or place may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Regulation or any other such law; and may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other such article to be, or to be concealed.

Arrest of persons refusing to give name or giving false name.

35. Any preson, who may be accused or reasonably suspected of committing an offence under this Regulation, and who on demand of any officer of the Excise, Police, Forest, Land Revenue, Sayer or Octroi Departments or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Searches how to be made.

36. All searches under the provisions of this Regulation shall be made in accordance with the provisions of the Code of Criminal Procedure.

Officers of certain Departments bound to assist.

37. All officers of the Departments of Police, Forest, Land Revenue, Sayer and Octroi shall be legally bound to assist any Excise officer in carrying out the provisions of this Regulation.

Offences to be reported etc.

38. Every officer employed by the Government, other than an Excise officer, shall be bound to give immediate information to an Excise officer, and every Excise officer shall be bound to give immediate information either to his immediate official superior or to an Excise Inspector, of all breaches of any of the provisions of this Regulation which may come to his knowledge ; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Landholders and others to give information.

39. All inamdars, kayamguttadars, proprietors, tenants, under-tenants and cultivators who own or hold land on which there shall be any manufacture of liquor or intoxicating drugs not licensed under this Regulation shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Excise, Police, Forest, Land Revenue, Sayer or Octroi Department immediately the same shall have come to their knowledge.

Persons arrested how to be dealt with.

40. (1) When any person is arrested under the provisions of section 31 or section 34 or section 35 of this Regulation, the person arresting him shall, unless bail shall have been accepted under the provisions of section 31, forthwith forward him to an Excise Inspector, or, if there be no such officer within a distance of ten miles from the place at which such arrest took place, to the nearest Police station, with a report of the circumstances under which such arrest was made.

Procedure by Police Station officer.

(2) On any such person being brought to a Police Station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned before the Excise officer as aforesaid within the limits of whose jurisdiction the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure by Excise officer empowered to inquire.

(3) On any such person being brought in custody before such Excise officer as aforesaid or appearing before him on bail, such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before the Magistrate having jurisdiction to try the case.

Persons arrested to be admitted to bail.

41. It shall be the duty of any officer arresting any person under the powers given by section 31 of this Regulation and of any Police station officer or Excise officer before whom a person arrested is brought or appears under the provisions of section 40, to release such person on bail if sufficient bail be tendered for his appearance before an Excise Inspector or before a Magistrate as the case may be.

Bond of accused and sureties.

42. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Excise Inspector before whom he was bailed to attend, or by the Magistrate, as the case may be.

Provided that the officer admitting any such person to bail may at his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

The Government shall from time to time determine the form of the bond to be used in any local area.

Procedure in case of default of person admitted to bail to appear before Excise Inspector.

43. When by reason of default of appearance of a person bailed to appear before an Excise Inspector, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Sections 44-50.

Excise officers may summon witnesses.

44. Any Excise officer holding an inquiry in the manner provided in section 40 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control.

Provided that no such Excise officer shall summon any person to appear at a greater distance from the usual place of residence of such person than the Government may from time to time by rule direct.

Terms of summons.

45. Every summons issued under the last preceding section shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place.

Examination of witnesses by Excise Inspectors.

46. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced into writing and shall be signed by such officer.

When attendance of witnesses to be dispensed with, and procedure in such cases.

47. It shall be lawful for an Excise Inspector, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 46 shall apply to such answers.

Excise Inspector may summon persons suspected of offences against Excise laws.

48. Any Excise Inspector may, after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Regulation. On such person appearing before such officer, the procedure prescribed by sections 40 to 47 inclusive of the Regulation shall become applicable.

Law relating to Criminal Courts as to summoning of witnesses to apply.

49. The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts shall, so far as the same may be applicable, apply to any summons issued by an Excise Inspector and to any person summoned by him to appear under the provisions of this Regulation.

Report of Excise Inspector gives jurisdiction to competent Magistrate.

50. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is

charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure.

Powers of Excise Inspector to cause attendance of witnesses before Magistrate.

51. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure on an officer in charge of a Police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Accused not to be detained in custody for longer period than twenty-four hours without special authority.

52. No person accused or suspected of having committed an offence under this Regulation shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where an Excise Inspector may be, and from thence to the Court having jurisdiction to try the case.

Police to take charge of articles seized.

53. All officers in charge of Police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of an Excise Inspector all articles seized under this Regulation which may be delivered to them; and shall allow any Excise officer who may accompany such articles to the Police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the Police station.

Closing of shop for the sake of public peace.

54. It shall be lawful for the Magistrate of the district by notice in writing to the licensee to require that any shop in which liquor or any intoxicating drug is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace.

If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any Magistrate, or for any Police officer who is present, to require such shop to be kept closed for such period as may be necessary.

IX.—Penalties.

For illegal import, etc.

55. Whoever, in contravention of this Regulation, or of any rule or order made under this Regulation, or of any license or permit obtained under this Regulation—

(*a*) imports, exports, transports or possesses liquor or any intoxicating drug; or

(*b*) manufactures liquor or any intoxicating drug; or

(*c*) cultivates the hempplant (*Cannabis Sativa* or *Indica*); or

(*d*) taps any toddy-producing tree; or

(*e*) draws toddy from any tree; or

(*f*) constructs or works any distillery or brewery; or

(*g*) uses, keeps, or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor other than toddy or any intoxicating drug; or

(*h*) sells liquor or any intoxicating drug;

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Provided that where the offence relates to the import or manufacture of liquor or any intoxicating drug, the fine, if any, inflicted shall not be less than double the amount of duty leviable on such liquor or intoxicating drug.

For misconduct by license etc.

56. Whoever, being the holder of a license or permit granted under this Regulation—

(*a*) fails to produce such license or permit on the demand of any Excise officer or of any other officer duly empowered to make such demand; or

(*b*) does any act in breach of any of the conditions of his license or permit not otherwise provided for in this Regulation; or

(*c*) wilfully contravenes any rule made under section 29 of this Regulation; or

(*d*) permits drunkenness, riot or gaming in any place in which any liquor or intoxicating drug is sold or manufactured; or

(*e*) permits persons of notoriously bad character to meet or remain in any such place;

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to two hundred rupees, or with imprisonment which may extend to three months, or with both.

For adulteration, &c., by licensed vendor or manufacturer.

57. Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Regulation :—

(*a*) mixes or permits to be mixed with the liquor or intoxicating drug sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under section 29, clause (*k*), when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code; or

(*b*) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be country liquor; or

(*c*) marks the cork of any bottle or any bottle, case, package or other receptacle containing country liquor, or uses any bottle, case, package or other receptacle containing country liquor, with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of using a false trade-mark with intent to deceive or injure any person under section 482 of the Indian Penal Code; or

(*d*) sells or keeps or exposes for sale any country liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trade-mark under section 486 of the Indian Penal Code;

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

For possession of illicit liquor or drug.

58. Whoever without lawful authority has in his possession any quantity of liquor or of any intoxicating drug knowing the same to have been unlawfully imported, transported or manufac-

tured, or knowing the prescribed duty not to have been paid therefor, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Provided that the fine, if any, inflicted shall not be less than double the amount of duty leviable on such liquor or drug.

For vexatious search or arrest.

59. Any Excise officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched, any closed place;

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Regulation;

or vexatiously and unnecessarily detains, searches, or arrests any person;

or in any other way vexatiously exceeds his lawful powers;

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

For vexatious delay.

60. Any officer or person exercising powers under this Regulation who vexatiously and unnecessarily delays forwarding to an Excise Inspector or to the officer in charge of the nearest Police station, as required by section 40 of this Regulation, any person arrested, or any articles seized under this Regulation, shall, on conviction before a Magistrate, be punished with fine which may extend to two hundred rupees.

For abetment of escape of persons arrested, &c.

61. Any officer or person who unlawfully releases or abets the escape of any person arrested under this Regulation or abets the commission of any offence against this Regulation, or acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Regulation may be evaded or broken, or the Excise revenue may be defrauded;

and any officer of any other Department referred to in section 37, who abets the commission of any offence against this Regulation in any place,

shall, on conviction before a Magistrate for every such offence, be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

For Excise officer refusing to do duty, using violence or being guilty of cowardice.

62. Any Excise officer who without lawful excuse shall cease or refuse to perform, or shall withdraw himself from the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he shall have given to his superior officer two months' notice in writing of his intention to do so; or

who shall offer any unwarrantable violence to any person in his custody; or

who shall be guilty of cowardice,

shall, on conviction before a Magistrate, be punished with fine which may extend to six months' pay or with imprisonment which may extend to three months, or with both.

For offences not otherwise provided for.

63. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Regulation, or of any rule or order made under this Regulation, and not otherwise provided for in this Regulation, shall, on conviction before a Magistrate, be punished for each such act or omission with fine which may extend to two hundred rupees.

Presumption as to commission of offence in certain cases.

64. In prosecutions under section 55 it shall be presumed until the contrary is proved, that the accused person has committed an offence under that section in respect of any liquor or intoxicating drug, or any still, utensil, implement, or apparatus whatsoever for the manufacture of liquor other than toddy or of any intoxicating drug, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drug, for the possession of which he is unable to account satisfactorily;

and the holder of a license or permit under this Regulation shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf under section 55 or section 56 or section 57 or section 58, as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

What things liable to confiscation.

65. In any case in which an offence has been committed under this Regulation, the liquor, drug, materials, still, utensil, implement, or apparatus in respect of which an offence has been committed, shall be liable to confiscation.

Any liquor or intoxicating drug lawfully imported, exported, transported, manufactured, had in possession or sold, or toddy lawfully drawn or tapped along with, or in addition to, any liquor, intoxicating drug or toddy, liable to confiscation under this section, and

the receptacles, packages and coverings in which any such liquor, intoxicating drug, materials, still, utensil, implement, or apparatus as aforesaid is or are found, and the other contents, if any, of the receptacles or packages in which the same is or are found, and the animals, carts, vessels, or other conveyances used in carrying the same,

shall likewise be liable to confiscation.

Confiscation how ordered.

66. When the offender is convicted or when the person charged with an offence under this Regulation is acquitted, but the Magistrate decides that anything is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Regulation, the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence under this Regulation has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under this Regulation and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Excise Commissioner, or by any other officer authorized by the Government in that behalf, who may order such confiscation.

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Power to compound offences.

67. Any Excise officer specially empowered in that behalf may accept from any person whose license or permit is liable to be cancelled or suspended under clauses (*a*) and (*b*) of section 26 or who is reasonably suspected of having committed an offence under section 56 or section 63, a sum of money not exceeding two hundred rupees in lieu of such cancelment or suspension or by way of compensation for the offence which may have been committed, as the case may be; and in all cases whatsoever in which any property has been seized as liable to confiscation under this Regulation, may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Provisions of the Criminal Procedure and Indian Penal Codes applicbale to offences committed under this Regulation.

68. The provisions of the Criminal Procedure Code relating to execution so far as the same are applicable, and sections 67, 68 and 69 of the Indian Penal Code, shall apply to all offences committed and to all persons punished under the provisions of this Regulation.

X—MISCELLANEOUS.

Publication of Rules and Notifications.

69. All rules made and notifications issued under this Regulation shall be made and issued by publication in the official Gazette, provided that all such rules and notifications whereby the doing or the not doing of anything is made punishable shall be published in three successive issues of the official Gazette. All such rules and notifications shall thereupon have the force of law and be read as part of this Regulation, and may in like manner be varied, suspended or annulled.

Conferring of powers and making of appointments.

70. All notifications and orders conferring powers, imposing duties and making appointments under this Regulation may respectively refer to the persons concerned specially by name or in virtue of their office or to classes of officials generally by their official titles; and all Courts shall take judicial notice thereof.

Exception of medicated articles.

71. Nothing in the foregoing provisions of this Regulation applies to the manufacture, possession, sale or supply of any *bona fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries; but it shall be lawful for the Government at any time by notification to prohibit the sale of any such article within any defined local area except under a license from the Deputy Commissioner, which shall be granted on payment of such fees and subject to such conditions as the Government may deem fit to prescribe.

Bar of actions.

72. No action shall lie against any Excise officer, for damages in any Civil Court for any act *bona fide* done or ordered to be done in pursuance of this Regulation, or of any law for the time being in force relating to Excise revenue;

and all prosecutions of any Excise officer, and all actions which may be lawfully brought against any Excise officer, in respect of anything done, or alleged to have been done, in pursuance of this Regulation, shall be instituted within six months from the date of the act complained of and not afterwards.

In such action, if for damages, it shall be lawful for the Court, if tender of sufficient amends shall have been made before the action was brought, in awarding the amount so tendered, to refuse costs to the plaintiff and direct him to pay the costs of the defendant.

REGULATION No. VI OF 1901.

(PASSED ON THE 4TH DAY OF SEPTEMBER 1901.)

A Regulation to further amend the Code of Civil procedure as in force in Mysore.

Preamble.

Whereas it is expedient to provide for the exemption of bonuses payable by Government under the Mysore State Life Insurance Scheme from attachment and sale in execution of decrees relating to debts due or contracted by insured persons; Her Highness the Maharani-Regent is pleased to enact as follows:—

Addition to section 266 of the Code of Civil Procedure.

1. To the first proviso to section 266 of the Code of Civil Procedure, as in force in Mysore, the following clause shall be added, namely:—

"(*p*) where the decree relates to a debt due or contracted by an officer who has insured his life under the Rules in force relating to the Mysore State Life Insurance, any bonus payable or paid thereunder to such officer or, in the event of his death, to his nominee or other person or persons entitled to such bonus under the said Rules."

Regulation not to apply retrospectively

2. Nothing in this Regulation shall be deemed to apply in the case of decrees relating to debts contracted prior to the passing hereof on the security of bonuses payable under the Mysore State Life Insurance Scheme.

THE SUCCESSION CERTIFICATE REGULATION, 1901.

CONTENTS.

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12. Amendment of certificate in respect of powers as to securities.
13. Amendment of Regulation III of 1900.
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19. Effect on certificate of previous certificate, probate or letters of administration.
20. Validation of certain payments made in good faith to holder of invalid certificate.
21. Effect of decisions under this Regulation and liability of holder of certificate thereunder.
22. Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.
23. Surrender of superseded and invalid certificate.

SCHEDULE.—Forms of Certificate and Extended Certificate.

REGULATION No. VII OF 1901.

(PASSED ON THE 5TH DAY OF OCTOBER 1901.)

A Regulation to Facilitate the Collection of Debts on Successions and Afford Protection to Parties paying debts to the Representatives of Deceased Persons.

Whereas it is expedient to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons: Her Highness the Maharani-Regent is pleased to enact as follows: —

Title, commencement, extent and application.

1. (1) This Regulation may be called the Succession Certificate Regulation, 1901 ;

(2) It shall come into force on the first day of November 1901 ; and

(3) It extends to the whole of Mysore ;

(4) But a certificate shall not be granted thereunder with respect to any debt or security to which a right can be established by probate or letters of administration under the Indian Succession Act, 1865.

Repeal.

2. (1) Act XXVII of 1860 (*An Act for facilitating the collection of Debts on successions, and for the security of parties paying debts to the representatives of deceased persons)* as extended to Mysore by Notification of the Government of India, Foreign Department, No. 16, Judicial, dated the 15th January 1868, is hereby repealed.

(2) But nothing in this Regulation shall affect any certificate granted before the commencement of this Regulation under Act XXVII of 1860.

(3) Any enactment except this Regulation or any document, referring to Act XXVII of 1860, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "District Court," subject to the other provisions of this Regulation and to the provisions of section 12 of the Mysore Chief Court Regulation, 1884, and of any other like enactment for the time being in force, means a Court presided over by a District Judge ; and

(2) "Security" means—

(*a*) any promissory note, debenture, stock or other security of the Government of Mysore;

(*b*) any stock or debenture of, or share in, a company or other incorporated institution;

(*c*) any debenture or other security for money issued by, or on behalf of, a local authority;

(*d*) any other security which the Government of Mysore may, by notification in the official Gazette, declare to be a security for the purposes of this Regulation.

Proof of representative title a condition precedent to recovery, through the Courts, of debts from debtors of deceased persons.

4. (1) No Court shall—

(*a*) pass a decree against a debtor of a deceased person for payment of his debt to a person claiming to be entitled to the effects of the deceased person or to any part thereof, or

(*b*) proceed, upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt,

except on the production, by the person so claiming, of—

(i) a probate or letters of administration evidencing the grant to him of administration to the estate of the deceased, or

(ii) a certificate granted under this Regulation or under section 36 or section 37 of the Administrator General's Act, 1874, and having the debt specified therein, or

(iii) a certificate granted under Act XXVII of 1860.

(2) The word "debt" in sub-section (1) includes any debt except rent, revenue or profits payable in respect of land used for agricultural purposes.

Court having jurisdiction to grant certificate.

5. The District Court within the jurisdiction of which the deceased ordinarily resided at the time of his death, or, if at that time he had no fixed place of residence, then within the jurisdiction of which any part of the property of the deceased may be found, may grant a certificate under this Regulation.

Application for certificate.

6. (1) Application for such a certificate must be made to the District Court by a petition signed and verified by or on behalf of the applicant in the manner prescribed by the Code of Civil Procedure for the signing and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely:—

(*a*) the time of the death of the deceased;

Section 7.

(*b*) the ordinary residence of the deceased at the time of his death and, if such residence was not within the local limits of the jurisdiction of the Court to which the application is made, then the property of the deceased within those limits;

(*c*) the family or other near relatives of the deceased and their respective residences;

(*d*) the right in which the petitioner claims;

(*e*) the absence of any impediment under section 1, sub-section (4), or under any other provision of this Regulation or any other enactment, to the grant of the certificate or to the validity thereof if it were granted; and

(*f*) the debts and securities in respect of which the certificate is applied for.

(2) If the petition contains any averment which the person verifying it knows or believes to be false, or does not believe to be true, that person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

Procedure on application.

7. (1) If the District Court is satisfied that there is ground for entertaining the application, it shall fix a day for the hearing thereof and cause notice of the application and of the day fixed for the hearing—

(*a*) to be served on any person to whom, in the opinion of the Court, special notice of the application should be given, and

(*b*) to be posted on some conspicuous part of the court-house and published in such other manner, if any, as the Court, subject to any rules made by the Chief Court in this behalf, thinks fit,

and upon the day fixed, or as soon thereafter as may be practicable, shall proceed to decide in a summary manner the right to the certificate.

(2) When the Court decides the right thereto to belong to the applicant, it shall make an order for the grant of the certificate to him.

(3) If the Court cannot decide the right to the certificate without determining questions of law or fact which seem to it to be too intricate and difficult for determination in a summary proceeding, it may nevertheless grant a certificate to the applicant if he appears to be the person having *prima facie* the best title thereto.

(4) When there are more applicants than one for a certificate and it appears to the Court that more than one of such applicants

are interested in the estate of the deceased, the Court may, in deciding to whom the certificate is to be granted, have regard to the extent of interest, and the fitness in other respects, of the applicants.

Contents of certificate.

8. When the District Court grants a certificate, it shall therein specify the debts and securities set forth in the application for the certificate and may thereby empower the person to whom the certificate is granted—

(*a*) to receive interest or dividends on, or

(*b*) to negotiate or transfer, or

(*c*) both to receive interest or dividends on, and to negotiate or transfer,

the securities or any of them.

Requisition of security from grantee of certificate.

9. (1) The District Court shall in any case in which it proposes to proceed under section 7, sub-section (3) or sub-section (4), and may, in any other case, require, as a condition precedent to the granting of a certificate, that the person to whom it proposes to make the grant shall give to the Judge of the Court, to ensure for the benefit of the Judge for the time being, a bond with one or more surety or sureties, or other sufficient security for rendering an account of debts and securities received by him and for indemnity of persons who may be entitled to the whole or any part of those debts and securities.

(2) The Court may, on application made by petition and on cause shown to its satisfaction, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court thinks fit, assign the bond or other security to some proper person, and that person shall thereupon be entitled to sue thereon in his own name as if it had been originally given to him instead of to the Judge of the Court, and to recover, as trustee for all persons interested, such amount as may be recoverable thereunder.

Extension of certificate.

10. (1) A District Court may from time to time, on the application of the holder of a certificate under this Regulation, extend the certificate to any debt or security not originally specified therein, and every such extension shall have the same effect as if the debt or security to which the certificate is extended had been originally specified therein.

(2) Upon the extension of a certificate, powers with respect to the receiving of interest or dividends on, or the negotiation or transfer of, any security to which the certificate has been extended may be conferred, and a bond or further bond or other security for the purposes mentioned in the last foregoing section may be required, in the same manner as upon the original grant of a certificate.

11. Certificates shall be granted and extensions of certificates shall be made, as nearly as circumstances admit, in the forms set forth in the schedule. Forms of certificate and extended certificate.

12. Where a District Court has not conferred on the holder of a certificate any power with respect to a security specified in the certificate, or has only empowered him to receive interest or dividends on, or to negotiate or transfer, the security, the Court may, on application made by petition and on cause shown to its satisfaction, amend the certificate by conferring any of the powers mentioned in section 8, or by substituting any one for any other of those powers. Amendment of certificate in respect of powers as to securities.

13. For articles 10 and 11 of the first schedule to the Mysore Court-fees Regulation, 1900, the following shall be substituted, namely:— Amendment of Regulation III, 1900.

Number.		Proper fee.
"10. Probate of a will or letters of administration with or without will annexed.	If the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees.	Two per centum on such amount or value: provided that when, after the grant of a certificate under the Succession Certificate Regulation, 1901, or Act XXVII of 1860, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.
"11. Certificate under the Succession Certificate Regulation, 1901.	In any case ...	Two per centum on the amount or value of any debt or security specified in the Certificate under section 8 of the Regulation, and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Regulation. NOTE.—(1) The amount of a debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained. (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Regulation, and, where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of, the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

Mode of collecting court-fees on certificates.

14. (1) Every application for a certificate or for the extension of a certificate must be accompanied by a deposit of a sum equal to the fee payable under the first schedule to the Mysore Court-fees Regulation, 1900, in respect of the certificate or extension applied for.

(2) If the application is allowed, the sum deposited by the applicant shall be expended under the direction of the Court, in the purchase of the stamp to be used for denoting the fee, payable as aforesaid.

(3) Any sum received under sub-section (1) and not expended under sub-section (2) shall be refunded to the person who deposited it.

Local extent of certificate.

15. A certificate under this Regulation shall have effect throughout the whole of Mysore.

Effect of certificate.

16. Subject to the provisions of this Regulation, the certificate of the District Court shall, with respect to the debts and securities specified therein, be conclusive as against the persons owing such debts or liable on such securities, and shall, notwithstanding any contravention of section 1, sub-section (4), or other defect, afford full indemnity to all such persons as regards all payments made, or dealings had, in good faith in respect of such debts or securities to or with the person to whom the certificate was granted.

Revocation of certificate.

17. A certificate granted under this Regulation may be revoked for any of the following causes, namely :—

(*a*) that the proceedings to obtain the certificate were defective in substance ;

(*b*) that the certificate was obtained fraudulently by the making of a false suggestion, or by the concealment from the Court of something material to the case ;

(*c*) that the certificate was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant thereof, though such allegation was made in ignorance or inadvertently ;

(*d*) that the certificate has become useless and inoperative through circumstances ;

(*e*) that a decree or order made by a competent Court in a suit or other proceeding with respect to effects comprising debts or securities specified in the certificate renders it proper that the certificate should be revoked.

Appeal.

18. (1) Subject to the other provisions of this Regulation, an appeal shall lie to the Chief Court from an order of a District Court granting, refusing or revoking a certificate under this Regulation, and the Chief Court may, if it thinks fit, by its order on the appeal, declare the person to whom the certificate should be granted and direct the District Court, on application being made therefor, to grant it accordingly, in supersession of the certificate, if any, already granted.

(2) An appeal under sub-section (1) must be preferred within the time allowed for an appeal under the Code of Civil Procedure.

(3) Subject to the provisions of sub-section (1) and of Chapters XLVI and XLVII of the Code of Civil Procedure as applied by section 647 of that Code, an order of a District Court under this Regulation shall be final.

Effect on certificate of previous certificate, probate or letters of administration

19. Save as provided by this Regulation, a certificate granted thereunder in respect of any of the effects of a deceased person shall be invalid if there has been a previous grant of such a certificate or of probate or letters of administration in respect of the estate of the deceased person and if such previous grant is in force.

Validation of certain payments made in good faith, to holder of invalid certificate.

20. Where a certificate under this Regulation has been superseded or is invalid by reason of the certificate having been revoked under section 17, or by reason of the grant of a certificate to a person named in an appellate order under section 18, or by reason of a certificate having been previously granted, or by reason of a grant of probate or letters of administration, or for any other cause, all payments made, or dealings had, as regards debts and securities specified in the superseded or invalid certificate, to or with the holder of that certificate in ignorance of its supersession or invalidity, shall be held good against claims under any other certificate or under the probate or letters of administration.

Effect of decisions under this Regulation and liability of holder of certificate thereunder.

21. No decision under this Regulation upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties, and nothing in this Regulation shall be construed to affect the liability of any person who may receive the whole or any part of any debt or security, or any interest or dividend on any security, to account therefor to the person lawfully entitled thereto.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation

22. (1) The Government may, by notification in the official Gazette, invest any Court inferior in grade to a District Court with the functions of a District Court under this Regulation, and may cancel or vary any such notification.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Regulation upon the District Court, and the provisions of this Regulation relating to the District Court shall apply to such an inferior Court as if it were a District Court:

Provided that an appeal from any such order of an inferior Court as is mentioned in sub-section (1) of section 18 shall lie to the District Court, and not to the Chief Court, and that the District Court may, if it thinks fit, by its order on the appeal, make any such declaration and direction as that sub-section authorises the Chief Court to make by its order on an appeal from an order of a District Court.

(3) An order of a District Court on an appeal from an order of an inferior Court under the last foregoing sub-section shall, subject to the provisions of Chapters XLVI and XLVII of the Code of Civil Procedure as applied by section 647 of that Code, be final.

(4) The District Court may withdraw any proceedings under this Regulation from an inferior Court and may either itself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Court and having authority to dispose of the proceedings.

(5) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(6) Any Civil Court which for any of the purposes of any enactment is subordinate to or subject to the control of, a District Court shall for the purposes of this section be deemed to be a Court inferior in grade to a District Court.

Surrender of superseded and invalid certificates.

23. (1) When a certificate under this Regulation has been superseded or is invalid from any of the causes mentioned in section 20, the holder thereof shall, on the requisition of the Court which granted it, deliver it up to that Court.

(2) If he wilfully and without reasonable cause omits so to deliver it up, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

SCHEDULE.

FORMS OF CERTIFICATE AND EXTENDED CERTIFICATE.

(*See Section* 11.)

In the Court of

To *A. B.*

Whereas you applied on the day of for a certificate under the Succession Certificate Regulation, 1901, in respect of the following debts and securities, namely:—

Debts.

Serial number.	Name of debtor.	Amount of debt, including interest, on date of application for certificate.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial number.	Description.			Market-value of security on date of application for certificate.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security.	

This certificate is accordingly granted to you and empowers you to collect those debts [*and*] [*to receive*] [*interest*] [*dividends*] [*on*] [*to negotiate*] [*to transfer*] [*those securities*].

Dated this day of

District Judge.

Schedule.

In the Court of

On the application of *A.B.* made to me on the day of , I hereby extend this certificate to the following debts and securities, namely:—

Debts.

Serial number.	Name of debtor.	Amount of debt, including interest on date of application for extension.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial number.	Description.			Market-value of security on date of application for extension.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security.	

This extension empowers *A. B.* to collect those debts [*and*] [*to receive*] [*interest*] [*dividends*] [*on*] [*to negotiate*] [*to transfer*] [*those securities.*]

Dated this day of

District Judge

REGULATION No. VIII OF 1901.

(PASSED ON THE 3RD DAY OF NOVEMBER 1901.)

A Regulation to amend the Indian Evidence Act, 1872, as it is in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act, 1872, as it is in force in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. (1) For the "*Explanation*" to section 14 of the Indian Evidence Act, 1872, as amended by Act XVIII of 1872, and Regulations, III of 1899 and X of 1900, the following shall be substituted, namely:— Amendment of section 14, Act I, 1872.

"*Explanation* 1.—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

"*Explanation* 2.—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact."

(2) For "*Illustration* (*b*)" to the same section the following shall be substituted, namely:—

"(*b*) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

"The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

"The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant."

2. In section 15 of the said Act, after the word "intentional" there shall be inserted the words "or done with a particular knowledge or intention." Amendment of section 15 Act I, 1872.

3. To section 26 of the said Act, the following shall be added, namely:— Addition to section 26, Act, I, 1872.

"*Explanation.*—In this section 'Magistrate' does not include the head of a village discharging magisterial functions, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure."

Section 15.

Addition to section 30, Act I, 1872

4. In section 30 of the said Act, immediately before the '*Illustrations*,' the following shall be inserted, namely:—

"*Explanation.*—'Offence' as used in this section includes the abetment of, or attempt to commit, the offence."

Addition to section 43, Act I, 1872.

5. To section 43 of the said Act, the following *Illustrations* shall be added, namely:—

"(*e*) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

"(*f*) A is tried for the murder of B. The fact that B prosecuted A for libel and that A was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution of new section for section 54, Act I, 1872.

6. For section 54 of the said Act, the following shall be substituted, namely:—

"Previous bad character not relevant except in reply."

"54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

"*Explanation* 1.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

"*Explanation* 2.—A previous conviction is relevant as evidence of bad character."

Amendment of *Explanation* to section 55, Act I, 1872.

7. In the "*Explanation*" to section 55 of the said Act, after the word "but" there shall be inserted the words and figures "except as provided in section 54."

Substitution of new section for section 125, Act I, 1872.

8. The following section shall be substituted for section 125 of the said Act, namely:—

"Information as to commission of offences."

"125. No Magistrate or Police Officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue Officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

"*Explanation.*—'Revenue Officer' in this section means any officer employed in or about the business of any branch of the public revenue."

REGULATION No. IX OF 1901.

(PASSED ON THE 10TH DAY OF DECEMBER 1901.)

A Regulation to amend the Mysore Forest Regulation, 1900.

Whereas it is expedient to amend the Mysore Forest Regulation, 1900, Her Highness the Maharani-Regent is pleased to enact as follows :— Preamble.

1. (1) This Regulation may be called the Mysore Forest (Amendment) Regulation, 1901 ; and Short title.

(2) It shall come into force at once. Commencement.

2. From section 29 of the Mysore Forest Regulation, 1900, the words " demanding his aid " shall be omitted before clause (*a*), and after clause (*b*) the following shall be inserted, namely :— Amendment of section 29 of Regulation XI of 1900.

" and shall assist any Forest or Police Officer demanding his aid—

3. After section 36 of the said Regulation, the following sections shall be inserted, namely :— Insertion of sections 36A and 36B.

" 36A. Whenever fire is caused wilfully or by gross negligence in any land placed under special protection under clause (iii) of section 35, the Government may (notwithstanding the infliction of any punishment under this Regulation) direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce shall, for such period as it thinks fit, be suspended." "Suspension of rights in cases of fires caused wilfully or by gross negligence."

" 36B. Every person who exercises any right in any land placed under special protection under clause (iii) of section 35 or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such land, and every person who is employed by any such person in such land, and every village officer or person in any village contiguous to such land who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest officer or Police officer any information he may possess respecting the occurrence of fire in or near such land or the commission of, or intention to commit any forest offence, and shall assist any Forest or Police officer— Persons bound to assist Forest officer and Police officer"

Section.

(*a*) in extinguishing any fire occurring in such land,

(*b*) in preventing any fire which may occur in the vicinity of such land from spreading into such land,

and shall assist any Forest or Police officer demanding his aid--

(*c*) in preventing the commission in such land of any forest offence, and

(*d*) when there is reason to believe that any such offence has been committed in such land, in discovering and arresting the offender."

INDEX.

(The references are to pages.)

Accidents, *see* Mysore Explosives Regulation ; Mysore Factories Regulation ; Mysore Railways Regulation.

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